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ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 13
March 24, 2000

Pages 4,292 - 5,035

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ILLINOIS REGISTER

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 14, 2000: Data Through March 31, 2000
Issue 29 - July 14, 2000: Data Through June 30, 2000
Issue 42 - October 13, 2000: Data Through September 30, 2000
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310-280
Proposed Action:
Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: A Public Service Administrator (37015-42-35-110-10-03) position is being included in Section 310.280, Designated Rate of the Pay Plan with the annual salary of \$75,560 at the request of the Department of Commerce and Community Affairs.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310-280	Amended	24 Ill. Reg. 916
310-280	Amended	24 Ill. Reg. 1419
Appendix A, Table J	Amended	24 Ill. Reg. 2508

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William C. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January, 2000

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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 310.20 Policy and Responsibilities
 310.30 Jurisdiction
 310.40 Pay Schedules
 310.50 Definitions
 310.60 Conversion of Base Salary to Pay Period Units
 310.70 Conversion of Base Salary to Daily or Hourly Equivalents
 310.80 Increases in Pay
 310.90 Decreases in Pay
 310.100 Other Pay Provisions
 310.110 Implementation of Pay Plan Changes for Fiscal Year 2000
 310.120 Interpretation and Application of Pay Plan
 310.130 Effective Date
 310.140 Reinstatement of Within Grade Salary Increases (Repealed)
 310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
 310.205 Introduction
 310.210 Prevailing Rate
 310.220 Negotiated Rate
 310.230 Part-Time Daily or Hourly Special Services Rate
 310.240 Hourly Rate
 310.250 Member, Patient and Inmate Rate
 310.260 Trainee Rate
 310.270 Legislated and Contracted Rate
 310.280 Designated Rate
 310.290 Out-of-State or Foreign Service Rate
 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 1999
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A Negotiated Rates of Pay
 HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
 NR-916 (Department of Natural Resources, Teamsters)
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
 TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 TABLE D HR-001 (Teamsters Local #726)
 TABLE E RC-020 (Teamsters Local #330)
 TABLE F RC-019 (Teamsters Local #25)
 TABLE G RC-045 (Automotive Mechanics, IPFE)
 TABLE H RC-006 (Corrections Employees, AFSCME)
 TABLE I RC-009 (Institutional Employees, AFSCME)
 TABLE J RC-014 (Clerical Employees, AFSCME)
 TABLE K RC-023 (Registered Nurses, INA)
 TABLE L RC-008 (Boilermakers)
 TABLE M RC-110 (Conservation Police Lodge)
 TABLE N RC-010 (Professional Legal Unit, AFSCME)
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
 TABLE Q RC-033 (Meat Inspectors, IPFE)
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
 TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
 TABLE T HR-010 (Teachers of Deaf, IFT)
 TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
 TABLE V CU-500 (Corrections, Meet and Confer Employees)
 TABLE W RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
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APPENDIX B	Medical Administrator Rates for Fiscal Year 2000
APPENDIX C	Merit Compensation System Salary Schedule for Fiscal Year 2000
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APPENDIX E	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX F	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1987; codified at 8 Ill. Reg. 1598; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359, amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 10967, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16590, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18954, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 10, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 13769, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21856, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective February 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective November 10, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II (Pos. No. 12932-42-35-110-10-02)	<u>Annual Salary</u> 54,048
Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 48,492
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<u>Annual Salary</u> 62,256
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 75,588
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 74,508

Department of Human Services

Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 70,464
Senior Public Service Administrator (Pos. No. 40070-10-45-000-00-01)	<u>Annual Salary</u> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 49,008

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01) Annual Salary
50,520

Department of State Police

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary
109,358

(Source: Amended at 24 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Numbers:
- | | |
|------------|-------------|
| 25-11 | Amendment |
| 25-50 | Repeal |
| 25-65 | Amendment |
| 25-311 | Amendment |
| 25-322 | Amendment |
| 25-435 | Repeal |
| 25-442 | Amendment |
| 25-450 | Amendment |
| 25-455 | Amendment |
| 25-800 | New Section |
| 25-805 | New Section |
| 25-810 | New Section |
| 25-815 | New Section |
| 25-820 | New Section |
| 25-825 | New Section |
| 25-830 | New Section |
| 25-832 | New Section |
| 25-835 | New Section |
| 25-840 | New Section |
| 25-845 | New Section |
| 25-848 | New Section |
| 25-850 | New Section |
| 25-855 | New Section |
| 25-860 | New Section |
| 25-865 | New Section |
| 25-870 | New Section |
| 25-875 | New Section |
| 25-880 | New Section |
| 25-885 | New Section |
| APPENDIX B | Amendment |

- 4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

- 5) A Complete Description of the Subjects and Issues Involved: The main purpose of this set of amendments is to implement the requirement for continuing professional development first set forth in connection with the new system of certificates by P.A. 90-548 (House Bill 452 of 1997) and subsequently amplified by P.A. 91-102 (Senate Bill 556 of 1999). The rules for continuing professional development are found in the new Subpart J. However, those pieces of legislation also made changes in a number of other areas related to certification, and the corresponding rules are also being updated at this time.

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- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? Yes. Proposed amendments appeared on December 10, 1999, at 23 Ill. Reg. 14144. The two sets of amendments do not affect any of the same Sections.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:
- Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-3950
- Comments on the rules will also be taken at a series of public hearings that will be announced in the very near future. In addition, comments may be sent via electronic mail, addressed to: rules@mp.isbe.state.il.us.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Some potential providers of professional development for teachers may be small businesses or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: The application procedure set forth in proposed Section 25-855 will apply to entities that wish to secure approval to provide professional development.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

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Section 25.10 Definition of Terms Used in This Part

25.11 New Certificates (February 15, 2000) (401y-17-1999)

25.15 Standards for Certain Certificates

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Section

25.20 State Elementary School Certificate

25.30 State High School Certificate

25.40 State Special Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50

25.60 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Early Childhood Certificates

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

25.125 Fifth-Year Review

25.130 Procedures for Initial Recognition as a Teacher Education Institution

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(Repealed)

25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003

25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)

25.145 Approval of New Programs Within Recognized Institutions

25.150 The Periodic Review Process (Repealed)

25.155 Initial Recognition Procedures Effective July 1, 2000

25.160 Notification of Recommendations; Decisions by State Board of Education

25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.210 Requirements for the Certification of School Social Workers

25.220 Requirements for the Certification of Guidance Personnel

25.230 Requirements for the Certification of School Psychologists

25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF

ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section

25.310 Definitions (Repealed)

25.311 Administrative Certificate

25.313 Alternative Route to Administrative Certification

25.315 Renewal of Administrative Certificate

25.320 Application for Approval of Program (Repealed)

25.322 General Supervisory Endorsement

25.330 Standards and Guide for Approved Programs (Repealed)

25.333 General Administrative Endorsement

25.344 Chief School Business Official Endorsement

25.355 Superintendent

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Section

25.405 Military Service

25.410 Revoked Certificates

25.415 Credit in Junior College

25.420 Psychology Accepted as Professional Education

25.425 Individuals Prepared in Out-of-State Institutions

25.427 Three-Year Limitation

25.430 Institutional Approval

25.437 School Service Personnel Certificate--Waiver of Evaluations (Repealed)

25.435 Equivalency of General Education Requirements

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25.442	Illinois Teacher Corps Programs
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
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25.510	Teacher Aides
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25.715	Test Validation
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25.725	Applicability of Testing Requirement
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25.730	Use of Basic Skills Test at Time of Entry into Teacher Education
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APPENDIX A	Statistical Test Equating - Certification Testing System
APPENDIX B	Certificates Available Effective February 15, 2000 until 1999
APPENDIX C	Exchange of Certificates
APPENDIX D	National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12

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111. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 25.11 New Certificates [February 15, 2000] (July 17, 1999)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000 July 17, 1999. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000 July 17, 1999, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000 July 17, 1999, shall continue to be acceptable for those assignments.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsections (d) and (e) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the "applicable examinations" for a standard certificate shall include not only the relevant standard certification examination but also the examination required for the comparable initial certificate. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present

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evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time credited outside Illinois.

3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000 July 17, 1999, may qualify for an initial teaching certificate by passing the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part.

d) An individual who has completed four years of teaching after receiving an initial certificate may qualify for a comparable standard certificate by passing the relevant standard teaching examination required by Section 21-2 of the School Code. Beginning July 1, 2003, this examination shall be designed to demonstrate whether candidates' induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examination required at that time and meeting all other requirements then in force for that certificate.

3) A candidate who has taught for four years on an initial certificate but fails the standard teaching certificate examination may retake the examination but may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate.

4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30--except--that--through--June--30--1999--individuals--who--are--credited--with--accumulated--teaching--time--on--a--certificate--from--another--state--may--use--their--initial--initial

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e) teaching--certificates for up-to four-years-of-teaching--in-order-to-enable-them-to-meet-the-requirements-of-subsection-(e)-of-this-Section.

f) through June 30, 2003, the standard teaching examination shall consist of an evaluation of each individual's professional development--based upon the factors enumerated in this subsection-(f)--A candidate shall be considered to have passed this standard teaching examination if he or she accumulates 90 points by completing items from the following list, documented as indicated for the respective items:

1) Completion of all required activities in pursuit of certification by National Board for Professional Teaching Standards (NBPTS); (99 points); document issued by NBPTS;

2) Possession of a master's degree or doctorate (40 points); official transcript showing the degree;

3) Receipt of an additional endorsement or certificate--including completion of all required coursework (40 points)--endorsed certificate;

4) Additional years of teaching experience (beyond four) in a school other than a home school (25 points for every year of experience up to a maximum of 75 points); letter assigned by chief administrator delineating length of employment and equivalence to full time;

5) Three semester hours of college coursework (beyond completion of the bachelor's degree) (25 points); with 25 additional points if related to a priority area identified by the State Board of Education; official transcript showing passing grade;

6) Supervision of student teachers or provision of mentoring services as part of a formal program or arrangement (20 points per semester signed statement from chief administrator; National Board for Professional Teaching Standards; or State Superintendent of Education);

7) Participation in a formal structured induction or orientation program (20 points per semester signed statement by chief administrator);

8) Service on school or district improvement team; curriculum development committee or other similar endeavor intended to improve instruction or students' achievement (40 points per semester signed statement by chief administrator);

9) Sponsorship of a semester long student activity or organization related to the field of teaching assignment (20 points per semester signed statement by chief administrator);

10) Participation in a continuing professional development activity sponsored by an entity such as a school district, regional office of education, intermediate service center, or professional educational organization; or by the State Board of Education that is intended to improve instruction or students' achievement (10 points per activity signed statement from sponsor affirming participation);

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f) A holder of a standard Illinois teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for both the comparable initial certificate and the standard teaching certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45 and/or 25.80 of this Part, as applicable).

g) Four years of teaching experience means the equivalent of four years' full-time employment, i.e., four times 180 days of instruction consisting of no fewer than five clock-hours apiece, which may be accumulated in increments of less than full time.

h) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

i) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

j) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part.

Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: CERTIFICATES

Section 25.50 General Certificate (Repealed)

~~The applicant must be a recognized specialist in his/her occupational field. The employing board must request the issuance of the certificate.~~

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 25.65 Alternative Certification

a) Section 21-5b of the School Code [105 ILCS 5/21-5b] provides for the issuance of provisional alternative teaching certificates and initial standard alternative teaching certificates valid for teaching in a district located in a city with a population in excess of 500,000 ~~inhabitory to eligible candidates, as defined in that Section, who successfully complete a program consisting of:~~

- 1) a course of study approved by the State Board of Education;
- 2) one year's full-time teaching; and

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- 3) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.
- b) Proposals seeking to establish programs meeting the specifications of subsection (a) of this Section shall be addressed as follows:
- State Board of Education
Alternative Certification Program
100 North First Street
Springfield, Illinois 62777-0001
- c) Each proposal shall indicate the maximum number of teaching candidates to be served by the proposed program in each of its sessions.
- d) Each proposal, simultaneously with State Board of Education staff's review, will be reviewed by the State Teacher Certification Board, which shall provide its recommendation to the State Board of Education so that the State Board of Education may comply with the timeline set forth in Section 21-5b of the School Code.
- e) A proposed course of study will be approved by the State Board of Education if the proposal demonstrates how candidates will acquire the knowledge of the content and the skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Subpart B Section 25-129 of this Part with regard to:
- 1) educational theory;
 - 2) instructional methods; and
 - 3) practice teaching.
- f) The assessment of the candidate's teaching performance for the year referred to in this Section shall include components that are designed to demonstrate that the candidate is:
- 1) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
 - 2) skilled in managing and monitoring students' learning.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section 25.311 Administrative Certificate

Except as provided in Section 21-5d of the School Code [105 ILCS 5/21-5d], the Administrative certificate requires:

- a) a master's ~~Master's~~ degree awarded by a regionally accredited ~~recognized-teacher-education~~ institution of higher learning; and
- b) completion of a program approved for one of the endorsements specified in Section 25.322 through 25.355 of this Part at a recognized Illinois teacher education institution and recommendation by that institution

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or satisfaction of the conditions specified in Section 25.425 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 25.322 General Supervisory Endorsement

a) Until July 1, 2003, this endorsement shall be ~~is~~ required for supervisors, curriculum directors and other similar or related positions as indicated in 23 Ill. Adm. Code 1-appendix B. Beginning July 1, 2003, this endorsement shall no longer be issued, and each individual newly assuming any such position who does not already hold the general supervisory endorsement shall be required to hold either the general administrative or the superintendent's endorsement.

b) Minimum Requirements of Graduate-Level Study

- 1) Areas of Study
 - A) Curriculum
 - 3
 - B) Educational Research
 - 3
 - (Work in areas (A) and (B) combined must total eight (8) semester hours.
 - C) Supervision and Staff Development
 - 8-9
- Must include work that which provides knowledge of:
- i) instructional leadership;
 - ii) program and staff evaluation; and
 - iii) program and staff development.
- D) Schools and Public Policy
 - 8-9
- Must include work that which provides knowledge of:
- i) parent/teacher communication; and
 - ii) parent involvement in schools.

- E) Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.
- 2) Two years of full-time full-time teaching experience or school service personnel experience as specified in Section 21-7.1(e)(1) 21-7.1(f) of the School Code [105 ILCS 5/21-7.1(e)(1)(1) ~~Illinois Revised Statutes 1905:chc-122-par-21-7.1(f)~~].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

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Section 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)

~~A School Service Personnel Certificate with an endorsement in guidance may be issued to those holders of an existing standard teaching certificate who meet the additional graduate requirements in the area of guidance and who give evidence of preparation in guidance at both the elementary and secondary level.~~

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 25.442 Illinois Teacher Corps Programs

Section 21-11.4 of the School Code [105 ILCS 5/21-11.4] establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career.

- a) Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the State Superintendent of Education. The Superintendent, in consultation with the State Teacher Certification Board, shall approve such programs in accordance with the following requirements:

- 1) The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.

- 2) Each Teacher Corps program shall establish the following requirements:

- A) Program participants must earn a resident teacher certificate as defined in Section 21-11.3 of the School Code [105 ILCS 5/21-11.3] and must possess the certificate upon entry into the program.

- B) Program participants must possess a bachelor's degree from a recognized regionally accredited institution of higher education with at least a 3.00 out of a 4.00 grade point average or its equivalent.

- C) Program participants must:

- i) possess a minimum of five years of professional experience in the area in which the candidate wishes to teach; professional experience shall mean experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or
- ii) participate in a one-year teacher preparation internship in a school district, which shall be developed collaboratively by the school district and

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the institution and approved by the State Teacher Certification Board.

- D) Program participants must pass the test of basic skills required by Section 21-1a of the School Code [105 ILCS 5/21-1a].

- E) Program participants must be enrolled in a master's of education degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

- 3) Teacher Corps Program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.

- 4) Teacher corps program participants must obtain a passing score on the subject matter knowledge test required by Section 21-1a of the School Code by the time of completing the Teacher Corps Program.

- 5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:

- A) A salary and benefits package as negotiated through the teacher contracts,

- B) A certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and

- C) At least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.

- b) Upon successful completion of the master's degree Teacher Corps Program, the participant shall be awarded an initial the elementary, secondary, or special certificate(s), as applicable, and all other general education academic coursework deficiencies shall be waived.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 25.450 Lapsed Certificates

- a) A lapsed certificate, one that has not been registered or renewed for a period of five four or more years since expiration of last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.

- b) The Regional Superintendent shall notify the holder of a reinstated certificate of:

- 1) The specific time of reinstatement, including beginning and ending dates.

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2) The requirement that during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:

A) Earn five semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or

B) Present evidence of holding a valid regular Illinois certificate of some other type.

c) As a reinstated certificate is a renewed certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.

d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.

e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.

f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.

1) Subsequent renewals of such an individual's certificate(s) shall be contingent upon preparation of a continuing professional development plan that meets the requirements of Section 25.805 of this Part, completion of the activities set forth in that plan during the certificate's period of validity, and presentation of the required evidence of completion for each such activity.

2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 25.455 Substitute Certificates

Pursuant to Section 21-9 of the School Code [105 ILCS 5/21-9], a Substitute Certificate may be issued to an applicant who has had two years of teaching experience. Such an individual shall present and presents evidence of having a minimum of sixty (60) semester hours of college credit, including six semester hours in the field of professional education earned in a recognized institution of higher learning, effective July 1, 1966. Teaching experience for a Substitute Certificate is defined as teaching in an elementary or secondary school.

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(Source: Amended at 24 Ill. Reg. _____, effective _____.)

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development Required

a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. The terms "certificate renewal plan," "plan for continuing professional development," "continuing professional development plan," and "plan" shall also be considered synonymous.

b) Except as provided in Section 25.880 of this Part, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's:

1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee in accordance with Section 25.815 of this Part;

2) completion of the activities enumerated in the plan; and

3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.

c) A certificate-holder with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or certificates that are required for his or her certified teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)].

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 25.805 Requirements of the Plan

a) The continuing professional development plan of each affected certificate-holder shall include at least three individual improvement goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]).

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- b) Each continuing professional development plan shall include activities that:

- 1) Advance the certificate-holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;
- 2) Develop the certificate-holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.910 of this Part); and
- 3) Address the knowledge, skills, and goals that are relevant to the certificate-holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.

- c) A continuing professional development plan may also include activities that expand the certificate-holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.

- d) Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(C) of the School Code [105 ILCS 5/21-14(e)(3)(C)]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.

- e) Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in subsection (b)(1) of this Section (Section 21-14(e)(3)(a) of the School Code [105 ILCS 5/21-14(e)(3)(A)]).

- f) Twenty-four continuing education units ("CEUs;" see Sections 25.965 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:
- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;

- 2) at least one-half unit addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and

- 3) any remaining units address the purpose specified in subsection (c) of this Section.

- g) Completion of 120 continuing professional development units ("CPDUs;" see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:

- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this

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- 2) at least one unit addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
- 3) any remaining units address the purpose specified in subsection (c) of this Section.

- h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:
- 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
 - 2) one CEU shall be considered the equivalent of 5 CPDUs.

- i) The provisions of subsections (e) through (h) of this Section shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.880 of this Part.)

- j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:

- 1) identify the certificate-holder;
- 2) list all certificates and endorsements held;
- 3) indicate the period of validity;
- 4) identify the certificate-holder's current position or assignment;
- 5) identify the certificate-holder's improvement goals;
- 6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill, and
- 7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.

- k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.910 State Priorities

The "State priorities" referred to in Section 25.805(b)(2) of this Part shall periodically be identified by the State Board of Education.

- a) No later than 60 days after the State Board votes to establish or change the list of such priorities, the agency shall so notify each

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submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.

4) Each certificate-holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.

5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (2) through (4) of this subsection (a).

b) An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate-holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.

c) Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (c).

1) Fewer than three personal goals for improvement are set forth in the plan.

2) A proposed activity does not relate to any of the certificate-holder's goals for improvement.

3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate-holder.

4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.

5) The projected timeline for completion of the proposed activities will not permit their completion within the period of validity of the individual's certificate(s).

d) A certificate-holder may either await approval of his or her plan before engaging in the activities it contains or engage in activities while the plan is pending.

1) If a certificate-holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.

2) Except as provided in subsection (d)(3) of this Section, if an individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this

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school district superintendent, each regional superintendent of schools, and any organization that requests such notification. This notice shall include a list of the priorities and state the date upon which the list takes effect.

b) A certificate-holder whose approved plan for professional development contains activities that address one or more of the State priorities may complete those activities and shall be allowed to count their completion toward fulfilling the requirements of this Subpart J, even if changes are made to the list of priorities during his or her certificate's period of validity.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25-815 Submission and Review of the Plan

a) Each certificate-holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(j) of this Part. Each certificate-holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held, or after the effective date of this Section, whichever is later. Submission and approval of this plan shall not entitle the certificate holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

1) Each certificate-holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105 ILCS 5/21-14(d)], other than a State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("LPDC") that is responsible for certificates of the relevant type. (See Section 25.845 of this Part.)

2) Each certificate-holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in Section 21-14 of the School Code) is done. Certificate-holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] shall be subject to this subsection (a)(2).

3) Each certificate-holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall

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- 3) An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before November 1, 2000, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.
- 4) In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate-holder shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate-holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.
- e) Upon notification that his or her proposed plan has been disapproved, a certificate-holder may either:
- 1) modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or
 - 2) appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25.850 of this Part.
- f) An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved.
- 1) If the RPDRC disagrees with the LPDC, the plan shall be approved.
 - 2) If the RPDRC agrees with the LPDC, the plan shall be disapproved and the certificate-holder shall submit a revised plan to the responsible LPDC.
 - 3) The RPDRC shall notify both the certificate-holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of Education.
- g) Each certificate-holder's plan for continuing professional development and all other documents relating to it shall be considered part of the individual's certification file. Each certificate-holder's file shall be stored separately from other employee and/or personnel files and shall be maintained by the LPDC. Access to these documents shall be limited to the certificate-holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 25.820 Review of Approved Plan

- a) A certificate-holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.
- b) A certificate-holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:
- 1) a certificate-holder accepts employment in a different district;
 - 2) a certificate-holder is assigned to teach at a different attendance center;
 - 3) a certificate-holder is assigned to teach in a different subject area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or
 - 4) a certificate-holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.
- c) The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.825 Progress Toward Completion

When a certificate-holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the required evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable the certificate-holder to identify all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.

- a) The LPDC shall review the evidence of completion in the context of the certificate-holder's approved plan and shall notify the certificate-holder within 45 days whether the credits claimed have been awarded.
- b) Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:
- 1) the activity in question does not relate to any of the individual's goals for improvement;
 - 2) the activity does not relate to one or more of the purposes identified by the certificate-holder;
 - 3) the number of credits claimed by the certificate-holder does not conform to the applicable provisions of Section 25.875 of this Part;

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 4) the activity was not conducted by an approved provider, if approval of the provider is required;
- 5) the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or
- 6) the certificate-holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.
- c) If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate-holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.
- d) The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)].
- e) A disagreement between a certificate-holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPORC.
- 1) If the RPORC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate-holder.
- 2) If the RPORC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate-holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).
- 3) The RPORC shall notify both the certificate-holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.
- f) Awarding of credit shall not entitle the certificate-holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.
- g) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question satisfies the requirements of the plan applicable to that period.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.830 Application for Renewal of Certificate(s)

No sooner than September 1 and no later than March 1 of the final year of his or her certificate's period of validity, each certificate-holder shall submit to the responsible LPDC, on a form provided by the State Board of Education, a

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- unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.)
- a) The application shall identify by certificate number all the certificates the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.
- 1) If no standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.
- 2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.
- 3) If the certificates that are due to expire are not renewed, the original period of validity of the certificate shall continue until the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- b) The application shall provide a summary of the professional development activities completed and the credit awarded or claimed for them.
- c) The application may transmit the required evidence of completion for any activities not yet reviewed and acknowledged by the LPDC that are needed for the certificate-holder's satisfaction of the requirements of Sections 21-2 and 21-14 of the School Code.
- d) A certificate-holder who wishes to receive evidence of the LPDC's receipt of his or her application shall include a receipt for the LPDC's use.
- e) Submission of this application form shall not entitle the certificate holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.
- f) A certificate-holder who does not apply by March 1 may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.832 Validity and Renewal of Master Certificates

- a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.
- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.

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- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met.
- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall be entitled to receive a comparable Illinois standard certificate with a five-year renewal cycle when the master certificate expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 25.835 Review of and Recommendation Regarding Application for Renewal

- a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.
- b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.
- c) If requested to do so, the LPDC shall:
- 1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or
 - 2) reconsider its recommendation.
- d) The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:
- 1) States the recommendation and the rationale for it;
 - 2) Indicates the date on which the recommendation was forwarded to the regional superintendent; and
 - 3) Includes a return receipt.
- e) Upon receipt of notification by the LPDC that a recommendation has

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- been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- f) The certificate-holder may appeal to the responsible RPDC for consideration of his or her application for renewal if the RPDC does not respond within any of the timelines set forth in subsections (a) and (g) of this Section.
- g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- h) Within seven business days after receipt of such an appeal, the RPDC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDC within seven business days and shall include:
- 1) the individual's approved plan for continuing professional development and any amendments that have been made thereto;
 - 2) the evidence of completion submitted by the certificate-holder with respect to each continuing professional development activity for which credit is claimed and the summary form that shows how credits were awarded; and
 - 3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.
- i) Within 45 days after receiving such an appeal, the RPDC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.
- j) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.
- 1) The regional superintendent shall forward to the Secretary of the

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State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.

- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

- A) the LPDC's record of review;
- B) the LPDC's recommendation and the material called for in subsection (b) of this Section, if any; and
- C) the regional superintendent's rationale for recommending renewal.

- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

- A) the LPDC's record of review;
- B) the LPDC's recommendation and the material called for in subsection (b) of this Section, if any; and
- C) the regional superintendent's rationale for recommending nonrenewal.

- k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.

- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.

- A) Appeals shall be addressed to:

State Teacher Certification Board Secretary
100 North First Street
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.

- 2) In addition to the appeal form, the certificate holder may submit the following material when the appeal is filed:

- A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan;
- B) any other relevant documents.

- l) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily

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complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.840 Action by State Teacher Certification Board; Appeals

- a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Subject to the certificate-holder's right of appeal as specified in that Section.

- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

- 1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certificate Board determines is necessary to decide the appeal.
- 2) The State Teacher Certification Board may request that the certificate-holder appear before it. (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]). The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
- 3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, the State Teacher Certification Board shall review:

- A) The recommendation of the regional superintendent of schools;
- B) The regional professional development review committee's recommendation, if any;
- C) The local professional development committee's recommendation; and
- D) All relevant documentation.

- c) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that decision.

- 1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance

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with this Subpart J may apply for a reinstated certificate valid for one year.

- 2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she has:
 - A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
 - B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.
- 3) In order to comply with the requirement set forth in subsection (c)(2)(A) of this Section, an individual may either complete the plan that was previously in place or submit proposed revisions to the responsible LPDC in order to align the balance of the activities with his or her current teaching assignment.
- d) The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.845 Responsibilities of School Districts

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.
- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of LPDCs to be established.
- 1) The number of committees that will operate in a district shall be sufficient to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.

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- 2) Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.
- c) Each school district shall name the administrator and at-large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.
- d) Each school district shall publicize to certificate-holders:
 - 1) the number and respective areas of responsibility of the district's LPDCs;
 - 2) the name of each committee's chairperson; and
 - 3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.
- e) Each school district shall convene the first meeting of one LPDC.
- f) Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur.
- g) Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to its requirements.
- h) Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.848 General Responsibilities of LPDCs

- a) Each LPDC shall post the schedule of its meetings.
- b) Each LPDC shall comply with the applicable timelines set forth in this Subpart J and shall maintain records demonstrating such compliance.
- c) Each LPDC shall acknowledge in writing its receipt of an application for renewal of an individual's certificate(s) if such an acknowledgment is requested by the certificate-holder pursuant to Section 25.830(d) of this Part.
- d) Each LPDC shall request from the exclusive representative the appointment of such alternates for its teacher members as may be necessary to ensure that no certificate-holder reviews his or her own plan for continuing professional development, evidence of completion of activities, or application for certificate renewal. If another LPDC is operating within the same school district, such alternates shall be chosen from among the teacher members of that LPDC.

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.050 General Responsibilities of Regional Superintendents

- a) Each regional superintendent of schools shall designate an employee who will be responsible for making all forms required pursuant to this Subpart J available to certificate-holders, members of local and regional professional development committees, and others who need to use them. Each regional superintendent of schools shall also designate an employee who will be responsible for tracking the receipt and distribution of the written materials called for in this Subpart J that are submitted to or through the regional office. Nothing shall preclude the same individual from fulfilling both the functions specified in this subsection (a).
- b) Each regional superintendent shall determine the number of regional professional development review committees needed in the region.

1) The number of committees that will operate in a region shall be at the regional superintendent's discretion, so long as the committees established are able to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.

- 2) Each regional superintendent may distribute responsibility among RPPRCs according to district, building, grade level, type of certificate, subject matter area, or any other factor the regional superintendent deems appropriate.

c) Each regional superintendent shall publicize the way in which certificate-holders can contact the RPPRCs. In each case, the address of the regional superintendent's office shall be identified as the address of the RPPRC. If a schedule for RPPRC meetings is set, the regional superintendent shall publicize that schedule.

d) Each regional superintendent shall provide written information to members of the RPPRCs concerning the method for reimbursement of their expenses, identification of reimbursable items, and rates of reimbursement.

e) Each regional superintendent shall receive, review, respond to, and keep on file the plans of the teachers for which he or she serves as the UPDC (i.e., nonpublic school teachers, teachers in State-operated schools, and substitute and inactive teachers who elect to maintain their certificates as valid and active).

1) A regional superintendent may identify one or more designees to assist him or her in functioning as an UPDC.

2) No designee appointed by the regional superintendent to assist in serving as an UPDC may serve on an RPPRC that considers matters related to the same type(s) of certificates.

f) Each regional superintendent shall review all recommendations for certificate renewal or nonrenewal and, using a form supplied by the State Board of Education, shall forward those recommendations to the

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State Teacher Certification Board along with an indication of his or her concurrence or non-concurrence. The regional superintendent shall forward the documentation specified in Section 25.855(1) of this Part as applicable in each case.

g) No regional superintendent shall recommend, or concur with a recommendation for, renewal of the certificate(s) of any individual whose application indicates that he or she may be or is out of compliance with Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments. A regional superintendent shall separate any such applications from those pertaining to certificates that are recommended for renewal and shall forward them to the Secretary of the State Teacher Certification Board whenever he or she forwards the remainder of the materials called for in subsection (f) of this Section.

h) Each regional superintendent shall notify all LPDCs and RPPRCs in his or her region of the State priorities referred to in Section 25.810 of this Part.

i) Based upon information provided by the certificate-holders in his or her region, each regional superintendent shall enter data into the centralized registry indicating the valid and active or valid and exempt status of each certificate for each semester of its validity.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.855 Approval of Illinois Providers

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions and professional associations, and universities and colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved.

a) Each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:

1) a description of the intended offerings in terms of objective(s), relevant standards to be addressed, target audience, method, and expected duration;

2) sample programs, syllabi, or outlines for its seminars, workshops, institutes, symposia, conferences, staff development meetings or programs, or other training activities;

3) information about the presenters to be assigned, including:

A) for each presenter who has already been selected, the

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individual's resume providing at least the individual's name, the degrees held and the institutions that issued those degrees, the individual's current employer, and the individual's experience in offering training in the area(s) of assignment; and

B) in cases where specific individuals have not been identified, the qualifications the provider will require of presenters to be assigned in each area;

4) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and

5) assurances that the requirements of subsection (b) of this Section and the requirements of Section 25.870 of this Part will be met.

b) Each provider approved to issue CEUs or CPDUs shall:

1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, intended learning outcomes, location, date, and time of the activity;

2) provide to participants the standard evaluation forms developed by the State Teacher Certification Board and the State Board of Education and supplied by the State Board of Education, and require completion of these forms, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching;

3) verify attendance at its training activities and provide to the participants as evidence of completion the standard forms supplied by the State Board of Education, which shall include the evaluation required pursuant to subsection (b)(2) of this Section;

4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and

5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.

c) Applicants may be asked to clarify particular aspects of their materials.

d) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.

e) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:

1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);

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2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated;

3) the activities will provide at least 2.5 hours of professional development on a single topic or content area; and

4) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

f) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:

1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and

2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

g) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.

h) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:

1) a description of any significant changes in the material submitted as part of its approved application; or

2) a certification that no such changes have occurred.

i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.

j) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. In the event such an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities of the provider. Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 25.860 Out-of-State Providers

The requirements for approval of providers not based in Illinois shall be as set forth in this Section.

- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.

- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
 - 1) the certificate-holder submits to the LPDC:
 - A) the program, agenda, or other announcement of the event; and
 - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and
 - 2) the LPDC determines that the program, agenda, or other announcement of the event demonstrates that:
 - A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient has addressed in his or her continuing professional development plan; and
 - B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.865 Awarding of Credit for Activities with Providers

The State Board of Education shall supply a standard form that shall be used by approved providers.

- a) This form shall be provided to each participant who completes the activity, who shall present it to the LPDC as evidence of completion (see Section 25.875(k) of this Part).

- 1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.

- 2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

- b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.

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- c) The provider shall indicate the number of CEUs issued, if applicable.
- d) Local professional development committees shall credit CEUs in the amount issued by the approved provider.
- e) Local professional development committees shall examine completion forms to determine the number of CPDUs to be credited, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.
- f) With respect to activities held in Illinois, LPDCs shall credit CEUs or CPDUs only when the standard form is presented.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.870 Continuing Education Units (CEUs)

Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part.

- a) One CEU shall be issued for five clock-hours of a certificate-holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.

- b) Time spent in organizational or administrative activities related to the conduct of an activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.

- c) Credit shall not be issued in increments of less than .5 CEU.

- d) Time spent on multiple topics shall not be combined to generate CEUs.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.875 Continuing Professional Development Units (CPDUs)

The number of CPDUs to be awarded for completion of specific activities shall be as set forth in this Section.

- a) Participation on collaborative planning and professional improvement teams and committees (105 ILCS 5/21-14(e)(1))

- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.

- 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

- 3) Evidence of Completion: Written description of the purpose and

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intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the team group's work.

b) Peer review and coaching [105 ILCS 5/21-14(e)(i)(i)]

1) Definitions

A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.

2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

3) Evidence of Completion

A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

c) Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(i)(ii)]

1) Definitions

A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and

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provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation. For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and

i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or

ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or

iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.

C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.

2) Credit

A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.

B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

3) Evidence of Completion

A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including

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the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

d) *Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans* [105 ILCS 5/21-14(e)(iv)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the purpose and intended product of the team or committee, a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.

e) *Coordinating community resources in schools, if the project is a specific goal of the school improvement plan* [105 ILCS 5/21-14(e)(v)]

1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.

2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.

3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.

f) *Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan* [105 ILCS 5/21-14(e)(vi)]

1) Definitions

A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more

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sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.

B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).

2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.

3) Evidence of Completion

A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.

B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.

g) *Participating in business, school, or community partnerships directly related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(vii)]

1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.

b) *Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years* [105 ILCS 5/21-14(e)(viii)]

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1) Definitions

A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.

B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.

2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience.

3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.

1) Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, provided the coursework meets Illinois professional teaching standards or Illinois content area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(f)(1)]

1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.

2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.

1) Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years [105 ILCS 5/21-14(f)(1)]

1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.

2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the

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certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.

3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.

k) Completing non-university credit directly related to student achievement, school improvement plans, or state priorities [105 ILCS 5/21-14(G)(1)]: participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-14(G)(1)]

1) Definitions

A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 of Section 25.860 of this Part and addresses educational concerns.

B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.

2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.

3) Evidence of Completion

A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.855(b)(3) of this Part; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.

B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.

1) Training as external reviewers for quality assurance [105 ILCS 5/21-14(G)(1)]

1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

3) Evidence of Completion: A certificate issued by the State Board. Training as reviewers of university teacher preparation programs [105 ILCS 5/21-14(G)(1)]

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- 1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.
- 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
- 3) Evidence of Completion: A certificate issued by the State Board.
- n) Participating in action research and inquiry projects [105 ILCS 5/21-14(H)(ii)]
 - 1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.
 - 2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own class(es).
 - 3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.
- o) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal [105 ILCS 5/21-14(H)(iii)]
 - 1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.
 - 2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.
 - 3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.
- p) Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(H)(iii)]
 - 1) Definition: Travel lasting no less than three consecutive, full days, which the LPDC has approved based on a plan submitted by the certificate-holder. The plan shall relate the travel to one or more of the individual's improvement goals, identify the

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- activities or aspects of the travel that will contribute to his or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPDC shall be understood to mean that CPDUs will be awarded upon submission of the required evidence of completion.)
- 2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.
- 3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.
- q) Participating in study groups related to student achievement or school improvement plans [105 ILCS 5/21-14(H)(iv)]
 - 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of the meaning in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
 - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written statement of purpose for the group, a list of the group's members, and summaries of the meetings showing attendance by the certificate-holder.
- r) Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities [105 ILCS 5/21-14(H)(v)]
 - 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.
 - 2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.
 - 3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.
- s) Participating in work/learn programs or internships [105 ILCS

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5/21-14(IV)(1)

Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.

2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).

3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.

1) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level [105 ILCS 5/21-14(I)(1)]

1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group's working sessions.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).

3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.

1) Participating in team or department leadership in a school or school district [105 ILCS 5/21-14(I)(1)]

1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.

2) Credit: Five CPDUs shall be awarded per semester of service.

3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in

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terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

1) Participating on external or internal school or school district review teams [105 ILCS 5/21-14(I)(iii)]

1) Definitions

A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 11).

B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.

C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.

2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.

3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convener verifying the certificate-holder's participation for the duration of the process.

1) Publishing educational articles, columns, or books relevant to the certificate area being renewed [105 ILCS 5/21-14(I)(iv)]

1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.

2) Credit: Forty CPDUs shall be credited for writing a book that is written on research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.

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- 3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication."
- x) Participation in non-strike-related professional association or labor organization service or activities related to professional development
- 1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not be eligible.
- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
- 3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching

- a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which a certificate is maintained as valid and exempt.
- 1) Each certificate-holder shall notify the regional superintendent of schools each time there is a change in his or her teaching assignment, employer, or employment status. The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester.
- A) A certificate-holder may notify the regional superintendent either when a change occurs or whenever it becomes apparent that a particular semester will qualify or has qualified as a period of exemption.
- B) The regional superintendent shall verify the

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- certificate-holder's employment status and shall return to the certificate-holder a signed copy of the form indicating whether a period of exemption has been recorded.
- 2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development (for holders of standard certificates) or a five-percent reduction in the requirement for holders of master certificates).
- 3) When applying for renewal of his or her certificate(s), each certificate-holder shall identify for the LPDC the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development. The certificate-holder shall present a copy of the form referred to in subsection (a)(1) of this Section to document any period of exemption claimed.
- 4) If proportionate reduction in the requirements for continuing professional development results in a conflict between the total number of units of credit earned and the distribution of those units, a certificate-holder shall be required to conform as closely as possible to the required distribution of units but shall not be obligated to accumulate units of credit in excess of the applicable reduced total.
- a) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 60 CPDUs attributable to the purpose identified in Section 25.805(b)(3) of this Part ("purpose 3"). The individual then maintains the certificate as valid and exempt for the remaining three years. By proportionate reduction, the total number of CPDUs required of this individual is 48. Because the individual has earned 60 CPDUs, he or she shall be considered to have met the requirement for continuing professional development, even though no units of credit have been attributed to the purposes identified in Section 25.805(b)(1) and (2) of this Part ("Purposes 1 and 2").
- B) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 40 CPDUs attributable to Purpose 3. The individual maintains the certificate as valid and exempt for the third and fourth years and then returns the certificate to valid and active status for the fifth year. Because he or she resumes teaching, by proportionate reduction, the total number of units required of this individual is 72. Half of those units (36) are required to pertain to Purpose 1 or 2.

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but the individual only lacks 32 units for a total of 72. The certificate-holder shall be required to use these 32 units to address Purposes 1 and 2 and shall amend his or her plan to include activities that comply with this requirement.

- 5) An individual whose certificate is valid and exempt may nevertheless keep an approved plan on file covering continuing professional development activities he or she wishes to complete during the period of exemption. Completion of such activities shall be appropriately credited by the responsible LPDC, without affecting the proportionate reduction in the total number of units required.
- b) The requirement for continuing professional development shall be reduced by 20 percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.

- c) *The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time, during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school term.* (Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)]).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 25.885 Funding: Expenses

- a) School districts, charter schools, cooperatives, and joint agreements may use the funds provided to them by the State Board of Education under Section 21-14(k) of the School Code [105 ILCS 5/21-14(k)] for such of the following expenditures as may be accommodated within the maximum amount available:

- 1) Supplies;
- 2) Duplicating and postage;
- 3) Equipment and maintenance thereof;
- 4) Telecommunications; and
- 5) Other administrative costs reasonably associated with conducting the meetings of LPDCs.

- b) Regional superintendents of education shall use the funds provided to them under Section 21-14(k) of the School Code to pay school districts, charter schools, cooperatives, and joint agreements for:
- 1) Travel costs incurred in staff attendance at the meetings of RPORCs and the training seminar that is required pursuant to Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)], including lodging, mileage, per diem (or meal reimbursement, as applicable), and incidentals; and

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- 2) *Other costs reasonably associated with staff attendance at the meetings of RPORCs and the required training seminar.*

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 25. APPENDIX B Certificates Available Effective February 15, 2000 July 1-1999**Early Childhood**

Provisional Alternative Early Childhood Certificate
 (For Cities of 500,000 or More)
 Standard Alternative Early Childhood Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Early Childhood Certificate
 (Statewide)
 Provisional Early Childhood Certificate
 Initial Early Childhood Certificate
 Initial Alternative Early Childhood Certificate
 Standard Early Childhood Certificate
 Master Early Childhood Certificate

Elementary

Provisional Alternative Elementary Certificate
 (For Cities of 500,000 or More)
 Standard Alternative Elementary Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Elementary Certificate
 (Statewide)
 Provisional Elementary Certificate
 Initial Elementary Certificate
 Initial Alternative Elementary Certificate
 Standard Elementary Certificate
 Master Elementary Certificate

Secondary

Provisional Alternative Secondary Certificate
 (For Cities of 500,000 or More)
 Standard Alternative Secondary Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Secondary Certificate
 (Statewide)
 Initial Math-Science Certificate 9-12
 Provisional Secondary Certificate
 Initial Secondary Certificate
 Initial Alternative Secondary Certificate
 Standard Secondary Certificate
 Master Secondary Certificate

Special

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Provisional Alternative Special Certificate
 (For Cities of 500,000 or More)
 Standard Alternative Special Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Special Certificate
 (Statewide)
 Provisional Special Certificate
 Initial Special K-12 Certificate
 Initial Alternative Special K-12 Certificate
 Standard Special K-12 Certificate
 Master Special K-12 Certificate

School Service Personnel

Provisional School Service Personnel Certificate
 School Service Personnel Certificate

Administrative

Provisional Alternative Administrative Certificate
 Administrative Certificate
 (Excluding Acting as Principal/Assistant Principal)
 Provisional Administrative Certificate
 Administrative Certificate

Other

Substitute Certificate
 General Certificate
 Part-Time Provisional Certificate
 Temporary Provisional Vocational Certificate
 Provisional Vocational Certificate
 Transitional Bilingual Certificate
 Resident Teacher Certificate

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 850
- 3) Section Numbers:
 850.10 Proposed Action:
 Amendment
 850.20 Amendment
 Amendment
 850.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) A Complete Description of the Subjects and Issues Involved: The Americans with Disabilities Act Grievance Procedure will be amended to reflect updated statutory citations.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic appeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives (if applicable): The proposed amendments will have no impact upon units of local government.
- 11) Time, Place, and Manner in which interested persons may comments on this proposed rulemaking: Interested persons may submit written comments to:

John H. Wank
 General Counsel
 Illinois Guardianship & Advocacy Commission
 160 North LaSalle, Suite S-500
 Chicago, Illinois 60601
 312/793-5900

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and non profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
 - 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the Proposed Amendments begins on the next page:

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TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER XXXI: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 850

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

850.10 Definitions

850.20 Purpose

850.30 Procedure

850.40 Designated Coordinator Level

850.50 Final Level

850.60 Accessibility

850.70 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12102), as specified in Title II regulations (28 CFR 35.107 (1991)), and authorized by Sections 5-5 and 5-20 of the Illinois Administrative Procedure Act [5 ILCS 100/5-5 and 5-20] and Section 5 of the Guardianship and Advocacy Act [20 ILCS 3955/3].

SOURCE: Adopted at 16 Ill. Reg. 19069, effective November 17, 1992; amended at 24 Ill. Reg. _____, effective _____.

Section 850.10 Definitions

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 42-9-5-6r-42401-et-seq-42993).

"Commission" means the Illinois Guardianship and Advocacy Commission.

"Complainant" means an individual with a disability who files a grievance form provided by the Commission in accordance with this Part.

"Designated Coordinator" means the person(s) appointed by the Director of the Illinois Guardianship and Advocacy Commission who is/are responsible for the coordination of efforts of the Commission to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at State of Illinois Building, 160 N. LaSalle St., Suite S-500, Chicago IL 60601.

"Director" means the Director of the Illinois Guardianship and Advocacy Commission or his or her duly authorized representative.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major

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life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance" means any formal, written complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Commission and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Commission or has been subject to discrimination by the Commission on the basis of his or her disability.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural ~~architectural~~, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or the participation in programs or activities provided by the Commission.

"Working days" means Monday through Friday, excluding Saturday, Sunday, and State holidays.

"(Source: Amended at 24 Ill. Reg. _____, effective _____.)"

Section 850.20 Purpose

a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 42-9-5-6r-42401-et-seq-42993), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107 (1991)), requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.

b) In general, the ADA requires that each program, service and activity offered by the Commission, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

c) It is the intention of the Commission to foster open communication with all individuals requesting readily accessible programs, services and activities. The Commission encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances. Upon the filing of a formal written grievance, it is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it had been included on the January 1999 agenda.

The full text of the Proposed Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH

CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 301

FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN

Section

301.10	Authority and Purpose
301.20	Definitions
301.30	Assessment of Fees
301.40	Notice
301.50	Collection of Fees
301.60	Fee Schedules

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].

SOURCE: Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15, 1990; amended at 24 Ill. Reg. _____, effective _____.

Section 301.10 Authority and Purpose

a) Authority. The Office of State Guardian exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act ~~as amended~~ (GAC Act) [20 ILCS 3955] ~~which--Rev.--Stat--1999--ch--91-1/27--par--701-et-seq--7r~~ and shall serve as guardian of the person or estate, or both, for a ward, when ~~where~~ it has been appointed to do so by a court. The GAC Act further charges that the Commission shall evaluate a ward's ability to pay for guardianship services received and charge fees for those services. Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1] ~~which--Rev.--Stat--1999--ch--110-1/27--par--27-1r~~ permits a guardian to be awarded reasonable fees for services rendered pursuant to the guardianship appointment, upon approval of the court.

b) Purpose. The purpose of ~~this Part these rules~~ and ~~its~~ fee schedules is to establish the procedures to be used in assessing fees against a ward or a ward's estate. A one-time initial fee shall be assessed for the establishment of the guardianship case. Fees shall be assessed monthly for guardianship services. Additional fees shall be assessed for guardianship petitioning and the sale or management of real or personal property. The Office of State Guardian shall not petition for fees ~~if where~~ financial hardship to the ward would result.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 301.20 Definitions

Terms are defined as follows for the purpose of this Part ~~these Rules~~, unless the context requires otherwise:

"Account" means a statement in writing of receipts and disbursements from a ward's estate by the guardian during a stated period of time.⁷

"Case Opening Opening" means the internal administrative process used by OSG in establishing a temporary or ongoing guardianship case, including, but not limited to, collecting and reviewing necessary financial, legal, medical or social information pertaining to the ward or the ward's estate, opening bank or other financial accounts on the ward's behalf, assigning OSG representatives to perform guardianship responsibilities for the ward, collecting and receiving guardianship information, creating files, summaries and other documentary information necessary for the management of the ward or the ward's estate, and all other activities related to preparing for and assuming the responsibilities of guardian.⁷

"Commission" means the Guardianship and Advocacy Commission (also referred to as "GAC").⁷

"Court" means the probate court having jurisdiction over the ward and/or the estate of a ward.⁷

"Estate" means all property owned by the ward, regardless of whether the Office of State Guardian is guardian of the person or estate of the ward, including, but not limited to, all cash, savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities or instruments, mutual fund shares, furniture, automobiles, other tangible personal property, and real estate.⁷

"Fee" or "Fees" means any costs assessed by the Office of State Guardian against a ward or a ward's estate for guardianship services, including case opening fees, monthly guardianship services fees, guardianship petitioning fees, and fees for the sale or management of real or personal property.⁷

"Fee Schedules" mean tables showing the amounts of moneys the ward or the ward's estate may be assessed for guardianship services, not including charges for outside services procured by the guardian.⁷

"Financial Hardship" means that the total value of liquid assets of a living ward would fall below ~~four thousand seven hundred dollars~~ \$5,500 ~~4798-4867~~ and the ward's estate would otherwise be inadequate to provide or obtain care, assistance, education, training, sustenance,

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housing, treatment or other goods or services vital to the well being of the ward or his dependents, resulting in the risk of harm to the ward or the ward's dependents.⁷

"Guardian" means a court appointed guardian of the person, estate, or both, of a ward, and includes temporary, limited and plenary guardianship.⁷

"Guardianship Petitioning" see, "Petitioning".⁷

"Guardianship Services" means work performed by the Office of State Guardian and its representatives in becoming guardian and all guardianship duties performed thereafter on behalf of a particular ward, including, but not limited to, preparation and filing of periodic reports, inventories, petitions for expenditures, current and final accounts; sale or other disposition of real or personal property; managing all assets of an estate; securing residential placements and transfers; monitoring, evaluation and consent for medical treatment and habilitation programming; appearing for and representing a ward in legal proceedings; procuring other outside services for the benefit of the ward or the ward's estate; and quarterly, annual and other visits as necessary to provide an active guardianship program.⁷

"Inventory" means a detailed list of all property owned by the ward that ~~which~~ is filed with the court by the guardian.⁷

"Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property ~~that~~ which is readily convertible to cash and has a readily ascertainable fixed value, including savings accounts, checking accounts, certificates of deposit, money market accounts, corporate or municipal bonds, U.S. savings bonds, stocks or other negotiable securities, and mutual fund shares.⁷

"Notice of Assessment" means a prior written statement mailed, pursuant to the procedures outlined in Section 301.40(b) of this Part, to the ward or other interested party, including the ward's spouse, adult children, parents, adult siblings, and other nearest adult kindred, advising that costs shall be assessed by OSG against a ward or the ward's estate.⁷

"Office of State Guardian" (also referred to as "OSG") means a division of the Guardianship and Advocacy Commission, acting in its capacity as guardian of the estate, person, or both of a ward.⁷

"Outside Services" means those services not provided by OSG or GAC employees, including the services of attorneys, corporations,

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agencies, individuals, or other entities retained to represent the interests of a ward or a ward's estate, who may charge the ward's estate for services rendered, subject to court approval. The and such fees may be in addition to fees assessed pursuant to the OSC fee schedules.7

"Petitioning" or "Guardianship Petitioning" means the preparation, filing and litigation of guardianship petitions or petitions for the adjudication of disability of alleged disabled persons pursuant to the Probate Act of 1975 as amended [75 ILCS 5]. ~~§§11-Rev---Stat---1989~~
~~ch-110-1-27-par-1in-1-et-seq-77~~

"Property Management" or "Management of Property" means activities related to the discovery, possession, protection, conservation, listing for sale, auction or rental, solicitation of purchase or rental offers, title search, preparation of documents and forms, negotiations, payment of costs, fees, insurance, taxes, and penalties associated with the maintenance, operation, sale, auction or rental, participation in closing or completion of a sale or rental arrangements, and any other activities required in order for Office of State Guardian to protect, maintain or convey any interest of a ward in real or personal property, including a leasehold interest, subject to court approval.7

"Ward" means a ward or a disabled person as defined by the Probate Act of 1975 [75 ILCS 5] ~~§§11-Rev-Stat-1989; ch-110-1-27-par-1-1-et-seq-77-as-now-or-hereafter-amended~~, who is at least 18 years of age, and for whom the Office of State Guardian has been appointed guardian.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 301.30 Assessment of Fees

a) Assessment - In General

1) Except as provided in subsections (c), (e) and (f) below, all wards with liquid assets valued at ~~five-thousand-dollars-7~~ \$6,500 5900-007 or more on the date of the OSC's appointment shall be assessed a one-time case opening fee for establishment of the case by OSC. The rate of the case opening fee shall be ~~one hundred-dollars-7~~ \$200 100-007, where OSC serves as guardian of the person, ~~two-hundred-dollars-7~~ \$300 200-007, where OSC serves as guardian of the estate, and ~~three-hundred-dollars-7~~ \$500 300-007 where OSC serves as guardian of both the person and estate. Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than ~~6~~ six months after the termination of a prior appointment, temporary or otherwise, involving similar powers and

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duties.

2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets valued at ~~five-thousand-dollars-7~~ \$6,500 5-000-007 or more on any day during the month. The fee for the OSC's services as guardian of the person shall be ~~fifty-dollars-7~~ \$100 50-007 per month. The fee for the OSC's services as guardian of the estate shall be a sliding scale rate up to a maximum of ~~one-hundred forty-five-dollars-7~~ \$350 145-007 per month, based upon the highest value of the ward's liquid assets, on any day during the month, so long as the value of the ward's liquid assets is \$6,500 or more. In addition, in all cases where OSC serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be \$25 per month.

3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian. Guardianship petitioning fees shall be in addition ~~additiona~~l to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. The rate for guardianship petitioning fees shall be determined using a sliding scale up to a maximum of ~~three-hundred-fifty-dollars-7~~ \$600 350-007, based upon the value of the ward's liquid assets in excess of ~~five thousand-dollars-7~~ \$6,500 5900-007 on the date of the entry of the final order disposing of the guardianship petition, or, if a temporary guardian with powers over the estate is appointed, on the date of that such appointment.

4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSC's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services and guardianship petitioning fees. The rate for real property sale or management fees shall be determined using a sliding scale up to a maximum of ~~five-hundred dollars-7~~ \$1,000 500-007, based upon the value of the real property at the time of the sale, or, if the property is not sold, at the time of the final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of ~~three-hundred-dollars-7~~ \$300 300-007, based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.

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- 5) No assessment of ~~petition-fee~~ fees for guardianship services shall ~~in no event~~ request an amount greater than that which has been established by the fee schedule in effect at the time the ward is provided notice of the assessment of fees.
- 6) No fees for guardianship services shall be assessed on estates smaller than \$5,200 ~~five thousand dollars~~ (\$5,000-600).
- b) Assessments - Valuation of Property. Where OSG seeks to assess fees for the management of property that ~~which~~ is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, the OSG shall not retain an appraiser at estate expense to establish the value of a ward's property if ~~where~~ the appraisal is not otherwise required for responsible management of the estate.
- c) Assessments - Court Approval. All fee assessments made by OSG shall be subject to court approval.
- d) Assessments - On Exhausted Estates

1) In estates that may be exhausted by existing claims, the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.

2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.

e) Assessments - On Entitlements. Fees shall not be assessed on income or support derived from Medicaid; ~~Supplemental-Security-Income~~; or Public Aid. Income or support derived from Social Security and Medicare shall be subject to OSG fee assessment unless the funds have been expressly earmarked for another purpose.

f) Assessments - Hardship and Waiver. No fees shall be assessed if where financial hardship to the ward would result. The Office of State Guardian may waive fees if ~~where~~ no substantial guardianship services have been provided the ward.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 301.40 Notice

a) Notice - In General. A ward or a ward's estate shall not be charged for guardianship services unless the ward is given prior written notice pursuant to the procedure set forth below.

b) Notice - Procedure to be Used. Prior to requesting court approval for the assessment or collection of fees, a written notice shall be given to the ward, advising the ward that the ward or the ward's estate will be charged for guardianship services. This notice shall be delivered to the ward in person or by mail at least 10 calendar 5 days prior to the collection of fees. The notice shall be issued in all cases where fees may be assessed by OSG. A single notice of assessment is

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NOTICE OF PROPOSED AMENDMENTS

sufficient for the purpose of this Part, so long as the notice describes the time of fee that OSG may assess and the amount of the fee. ~~Excluding Saturdays, Sundays, and legal holidays, before the scheduled hearing date.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 301.50 Collection of Fees

a) Pay Collection and Liability for Payment - In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.

b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees. ~~Where OSG is the estate guardian, its fee petition shall not be filed prior to the filing of the estate inventory.~~

c) Collection of Monthly Fees. Monthly fees shall be collected by OSG on a regular basis at the time the such fees are assessed, after entry of an order appointing Office of State Guardian but only where prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity. ~~Where OSG is the estate guardian, its fee petition shall not be filed prior to the filing of the estate inventory.~~

d) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next or final account. ~~Where the Office of State Guardian is the estate guardian, the inventory shall be filed prior to or at the time of the filing of OSG's fee petition.~~

e) Collection of Fees for Sale or Management of Property. Fees for the sale or management of a ward's real or personal property shall be collected after the sale is completed, or at the time of the next or final account. ~~Where the Office of State Guardian is the estate guardian, the inventory shall be filed prior to or at the time of the filing of OSG's fee petition.~~

f) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or Federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, when prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity.

g) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.

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- b) Collection of Fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.
- (f) Collection - Hardship and Waiver waver. No fees shall be collected if where financial hardship to the ward would result. The Office of State Guardian may waive or reduce fees assessed if where the reasonable charges for guardianship services rendered are below the fee schedule Fee-Schedule amounts or if where the costs of collection would far exceed the fees due.
- (g) Collection - Impact on Creditors. The Office officer of State Guardian may collect fees even when where claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependants would result.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 301.60 Fee Schedules

- a) Statutory Authority for Assessment of Fees. The Commission, under its legal and guardianship services.
- b) Procedure for Changing Fee Schedule. No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedure Act as-amended [5 ILCS 100] (1117-Rev-6447-ch-1277-pars-1001-1 et-seq.).
- c) Schedule for the Assessment of One-Time Case Opening Fees

- 1) Guardianship of the Person \$200100-00
- 2) Guardianship of the Estate \$300200-00
- 3) Guardianship of the Person and Estate \$500300-00

- d) Schedule for the Assessment of Monthly Guardianship Services Fees

- 1) Person Cases \$10050-00
- 2) Estate Cases

Total Value of Liquid Assets

\$ 6,500- 9,999

10,000-19,999

20,000-29,999

125

150

Monthly Fee

\$100

125

150

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30,000-39,999	175
40,000-49,999	200
50,000-59,999	225
60,000-69,999	250
70,000-79,999	275
80,000-89,999	300
90,000-99,999	325
100,000 and above	350

\$-5000-9,999 \$-50-00

10,000-14,999 50-00

15,000-19,999 60-00

20,000-24,999 65-00

25,000-29,999 70-00

30,000-34,999 75-00

35,000-39,999 80-00

40,000-44,999 85-00

45,000-49,999 90-00

50,000-54,999 95-00

55,000-59,999 100-00

60,000-64,999 105-00

65,000-69,999 110-00

70,000-74,999 115-00

75,000-79,999 120-00

80,000-84,999 125-00

85,000-89,999 130-00

90,000-94,999 135-00

95,000-99,999 140-00

100,000-and-above 145-00

- 3) Representative Payee Cases, When Estate Value is \$6,500 or more

Monthly Fee \$25

- e) Schedule for the Per-the Assessment of Guardianship Petitioning Fees

Estate

\$ 6,500-9,999

10,000-19,999

20,000-29,999

30,000-39,999

40,000-49,999

50,000-59,999

60,000-69,999

70,000-79,999

80,000-89,999

90,000-99,999

Petitioning Fee

\$10095-00

15090-00

20075-00

25060-00

30045-00

35030-00

40015-00

45000-00

50050-00

55040-00

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100,000 and above

600350+00

f) Schedule for the Assessment of Fees for the Sale or Management of Real Property-

Net Sale Value of Property or Estimated Value

Fee Amount

\$ 5,000- 9,999

\$ 250

10,000-19,999

300

20,000-29,999

350

30,000-39,999

400

40,000-49,999

450

50,000-59,999

500

60,000-69,999

600

70,000-79,999

700

80,000-89,999

800

90,000-99,999

900

100,000 and above

1,000

\$---3,000--4,999

\$--50-00

5,000- 9,999

75-00

10,000-14,999

100-00

15,000-19,999

125-00

20,000-24,999

150-00

25,000-29,999

175-00

30,000-34,999

200-00

35,000-39,999

225-00

40,000-44,999

250-00

45,000-49,999

275-00

50,000-54,999

300-00

55,000-59,999

325-00

60,000-64,999

350-00

65,000-69,999

375-00

70,000-74,999

400-00

75,000-79,999

425-00

80,000-84,999

450-00

85,000-89,999

475-00

90,000-and-above

500-00

g) Schedule for Per the Assessment of Fees for the Sale or Management of Personal Property

Net Sale Value of Property or Estimated Value

Fee Amount

\$ 3,000- 9,999

\$ 150

10,000-19,999

200

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20,000-29,999

250

30,000-39,999

300

40,000-49,999

350

50,000-59,999

400

60,000-69,999

450

70,000-79,999

500

80,000-89,999

550

90,000-99,999

600

100,000 and above

700

\$---3,000--0,999

\$--25-00

9,000-11,999

50-00

12,000-14,999

75-00

15,000-18,999

100-00

19,000-22,999

125-00

23,000-26,999

150-00

27,000-30,999

175-00

31,000-34,999

200-00

35,000-39,999

225-00

40,000-44,999

250-00

45,000-49,999

275-00

50,000-and-above

300-00

h) Schedule for the Preparation and Filing of State or Federal Income Tax Returns

For each federal income tax return filed

\$50

For each state income tax return filed

\$22

i) Schedule for the Settlement of a Personal Injury Cause of Action

For each personal injury cause of action approved by the probate court

\$250

j) Schedule for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate and Petitioning the Court for Establishment of the Trust

For each trust approved by the probate court

\$250

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Human Rights Authority
- 2) Code Citation: 59 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
310.10 Amendment
 Amendment
310.20 Amendment
310.30 Amendment
310.40 Amendment
310.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would update legal citations as well as amending the terms for vacancies on regional authority.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic appeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives (if applicable): The proposed amendments will have no impact upon units of local government.
- 11) Time, Place, and Manner in which interested persons may comments on this Proposed rulemaking: Interested persons may submit written comments to:

Teresa Parks
Director, Human Rights Authority
Illinois Guardianship and Advocacy Commission
5407 North University, Suite 7
Peoria IL 61614-4785
309/693-5001

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and non profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the Proposed Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH

CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 310

HUMAN RIGHTS AUTHORITY

Section	Authority and Purpose
310.10	General Provisions
310.20	Membership and Organization
310.30	Meetings
310.40	Complaints
310.50	Investigations
310.60	Recommendations and Findings
310.70	Confidentiality
310.80	Limitations

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 5 Ill. Reg. 13223, effective November 13, 1981; codified at 7 Ill. Reg. 12866; amended at 10 Ill. Reg. 7778, effective April 30, 1986; amended at 24 Ill. Reg. _____, effective _____.

Section 310.10 Authority and Purpose

- a) The Human Rights Authority exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act ~~Public Act--86-1416--as-amended~~ [20 ILCS 3955] ~~(1111-Rev-Stat-77-1993 and-1985-Supp-7-Ch-91-1/2-Par-701-et-seq-7)~~, and shall consist of as many regional authorities as the Commission may see fit to appoint pursuant to Section 5(a) of the Act.
- b) Purpose
- Each regional authority shall investigate all nontrivial complaints within its authority and competence alleging that the rights of an eligible person have been violated and may conduct investigations upon its own initiative if it has reason to believe the rights of a person have been violated [Section 16 of the Act]. For purposes of this Part criteria for investigation will include but not be limited to violations of the Mental Health and Developmental Disabilities Code [405 ILCS 5] ~~(1111-Rev-Stat-1969-Ch-93-1/2-Par-1-100-et-seq-7)~~, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] ~~(1111-Rev-Stat-1969-Ch-91-1/2-Par-801-et-seq-7)~~ and the Nursing Home Care Act [210 ILCS 45] ~~Nursing Home-Care-Reform Act-of-1979--(1111-Rev-Stat-1969-Ch-111-1/2-Par-4151-101-et-seq-7)~~.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 310.20 General Provisions

- a) Definitions of Terms - As used in this Part, unless the context requires otherwise:

"Act" means the Guardianship and Advocacy Act [20 ILCS 3955]. ~~(1111-Rev-Stat-1969-Ch-91-1/2-Par-701-et-seq-7)~~

"Chairperson" means the Chairperson of a Regional Human Rights Authority.⁷

"Commission" means the Guardianship and Advocacy Commission.⁷

"Complainant" means any person or entity who files a complaint with an authority or member of an authority. ~~thereof~~.

"Complaint" means any allegation that the rights of an eligible person have been or may have been violated which is initiated by or communicated to a regional authority or member of an authority. ~~thereof~~.

"Director" means the Director of the Guardianship and Advocacy Commission.⁷

"Eligible Person" means an individual individuals who has have received, is are receiving, has have requested, or may be in need of mental health services, or is are "developmentally disabled Developmentally Disabled" as defined in the federal Federal "Developmental Disabilities Services and Facilities Construction Act" (42 USC 6001(7)) ~~(Public Law-94-103-Title-III, as now or hereafter amended, or any "person with one or more disabilities" "Persons--Disabled" as defined in the Disabled Persons Rehabilitation Act [20 ILCS 2405]. "An-Act-in Relation-to-Vocational-Rehabilitation-of-Disabled-Persons--(1111-Rev--Stat--1969--Ch-23-Par-3430-et-seq-7)-approved-June-20-1921-as-now-or-hereafter-amended~~.

"Frivolous" means a factual allegation which, if true, has no legal consequence nor implies any violation of a right established by law.

"Guardian" means a court appointed guardian or conservator.¹

"HRA Committee" means the Commissioners appointed by the Chairperson of the Guardianship and Advocacy Commission to

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oversee the Human Rights Authority program and to propose HRA policy to the Commission.

"Identifiable Data" means any record, document, paper, material, description or other information that discloses the identity of an eligible person or his family.⁷

"Person" means an individual, corporation, partnership, association, unincorporated organization, or a government or any subdivision, agency, or instrumentality of that government thereof;

"Program Director" means the person designated by the Director to coordinate the activities of all regional authorities.⁷

"Regional Authority" means a regional Human Rights Authority.⁷

"Regional Coordinator" means the person designated by the Program Director to assist a specific regional authority in its activities.⁷

"Rights" includes but is not limited to all rights, benefits, and privileges guaranteed by law, the constitution of the State of Illinois, and the constitution of the United States.⁷

"Service Provider" means any public or private facility, center, hospital, clinic, program or any other person devoted in whole or in part to providing services to eligible persons.⁷

"Services" includes examination, diagnosis, evaluation, treatment, care, training, psychotherapy, pharmaceuticals, after-care, habilitation, rehabilitation, and related activities provided for an eligible person.

b) Computation of Time

In computing any period of time prescribed in this Part, the date of the event from which such period begins to run shall not be included. If the last day of the period so computed shall fall on a Saturday, Sunday or State holiday, the such time period shall continue to run until the next day ~~that~~ which is not a Saturday, Sunday or State holiday.

c) Severability

In the event any provision of this Part is determined by a court or other body of competent jurisdiction to be invalid, that such determination shall not affect the remaining provisions that ~~which~~ shall continue in full force and effect.

d) Rules Exclusive

All procedures or activities employed by a regional authority in

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exercising its statutorily defined powers and duties shall be governed by this Part. No regional authority shall adopt policy unless approved by the Commission. The Commission shall disapprove, pursuant to Section 5(c) of the Act, any action taken by a regional authority contrary to the provisions of this Part.

e) Petition by a Regional Authority for Rule Change

A regional authority may request that the Commission promulgate, amend or repeal a rule in this Part by submitting a written petition to the Program Director setting forth the particular rulemaking action desired and the reasons in support of that action ~~thereof~~. The Program Director shall forward, within 10 days, the petition, together with any observation or comments, to the Director and the HRA Committee that which shall, upon consideration, forward its recommendation to the petition to the Commission. Should the HRA Committee decide to propose to amend or adopt a rule, it shall forward its recommendation to the Chairperson of each regional authority at the same time it is sent to the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 310.30 Membership and Organization

a) Membership

Each regional authority shall consist of nine members appointed by the Commission ~~commission-pursuant-to~~ [Section 14 of the Act].

b) Duration of Term

Members of the Regional Authorities Regional Authorities shall serve for a term of three years. No member shall serve for more than two consecutive three year terms. (Section 14 of the Act) After a one-year absence, if a vacancy occurs on a regional authority the Commission may appoint a former member who satisfactorily served prior terms of appointment.

c) Removal of Member

1) The Commission on its own initiative may remove for incompetence, neglect of duty, or malfeasance in office any member of a regional authority. (Section 14 of the Act)

2) A regional authority shall recommend to the Commission the removal of one of its members if:

- A) the regional authority has given written notice to the member of its intention to recommend removal and the reason for the removal ~~thereof~~; and
- B) the member is given an opportunity at the next regularly scheduled meeting of the authority to explain, either orally or in writing, why a recommendation of removal shall not be made; and
- C) a majority vote of the regional authority members in attendance and constituting a quorum of the regional

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authority at a regularly scheduled or special meeting, for good cause shown, votes to recommend the member's removal; and

D) a written request for removal is made to the Commission with a statement of the reasons for the removal therefore, together with any explanation offered by the member to the members of the regional authority; a copy of the such request shall also be forwarded to the member.

3) A member who misses three consecutive meetings shall be notified by the regional authority that failure to attend the next meeting, unless for reasons beyond the member's control, shall result in a request for the member's removal.

d) Vacancies in regional authorities shall be filled within 60 sixty days after declaration of the vacancy in the same manner as original appointments (Section 14 of the Act). A person appointed to fill a such vacancy shall serve for the remainder of the unexpired term. If the remainder of the unexpired term is less than 2 years, the person shall be eligible for 2 additional 3 year terms.

e) Compensation Members of the regional authorities shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties (Section 14 of the Act) in accordance with 80 Ill. Adm. Code 2800.

f) Officers

At its annual June meeting each regional authority shall elect a chairperson, vice-chairperson, secretary and any other officers it deems necessary. Should circumstances arise to prevent holding the annual meeting in June, the annual meeting shall become the next immediate meeting held by the regional authority.

g) Committees

A regional authority may establish such committees as it deems necessary to achieve its stated purpose.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 310.40 Meetings

a) Annual Meeting

The annual meeting of each regional authority shall convene in June for the purpose of electing officers and for any other business that may be brought before it.

b) Regular Meetings

Each regional authority shall meet not less than once every two months.

c) Special Meetings

Meetings may also be held upon call of the Regional Chairperson or

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upon written request of any five members of the Regional Authority.

d) Quorum

Five members shall constitute a quorum. (Section 14 of the Act)

e) Voting on Actions

Except as provided in Section 310.50(c) and 310.70(c)(3) of this Part, no action shall be taken at any meeting of a regional authority except upon a majority vote of the members in attendance and constituting a quorum.

f) Notice

Each regional authority shall give public notice of its schedule of regular meetings at the beginning of each calendar year, including the dates, times, and places of such meetings, if known. Public notice of any special meeting or reconvened regular meeting shall be given at least 24 twenty-four hours before the such meeting. However, this requirement of public notice of reconvened meetings does not apply to a meeting reconvened within 24 twenty-four hours or when where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in agenda. Public notice shall be given by posting a copy of the notice at the Commission's offices located in Springfield and Chicago, Illinois, and at the regional authority's regional office and at the building where the meeting is to be held. In addition, an authority shall provide notice of its meetings to any newspaper or radio or television station that requests such notice.

g) Minutes

Minutes of each meeting shall be recorded by the secretary of the authority or designee and a copy retained by the secretary. The such minutes, except as provided by Section 310.80(d) of this Part, shall be available, within 7 seven days after of their approval, for public inspection at the Commission's offices located in Springfield and Chicago, Illinois and the regional authority's regional office.

h) Location of the Meeting Place

Each regional authority shall conduct meetings at locations within its regional boundaries so as to facilitate participation by the regional authority members and residents of the region.

i) Accessibility of Meeting Place

Each regional authority shall conduct its meetings at facilities that are accessible to the mentally and physically impaired.

j) Public Comment

A portion of each meeting shall be set aside for comments or questions by nonmembers.

k) Open Meetings Act

The meetings of all regional authorities shall be conducted in compliance with the provisions of the Open Meetings Act [5 ILCS 120] ~~4411-Rev-Stat-1993-CH-482-PARS-41-et-seq-7~~ and the Illinois Guardianship and Advocacy Act [20 ILCS 3955] ~~4411-Rev-Stat-1993-CH-91-1/2-PARS-761-et-seq-7~~.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 310.50 Complaints

- a) Recording Complaints
Every complaint received by a regional authority shall be recorded on forms prescribed by the Commission (GAC 400).

- b) Disposition of Complaints

- 1) Acceptance
Except as provided in subsection (c) below, a decision to investigate a complaint shall be made upon the majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting.

- 2) Non-Acceptance
If a regional authority determines that a complaint does not involve the rights of an eligible person or that a complaint is frivolous, the regional authority shall not open the investigation.

- 3) Postponement

- A) If the regional authority determines that its investigation of a complaint would jeopardize pending employment, disciplinary or criminal proceedings, the regional authority's investigation shall be postponed until the proceeding is concluded.

- B) If the regional authority determines that a conflict of interest exists for that regional authority under Section 310.90(f) of this Part, the regional authority's investigation shall be postponed until the Commission authorizes another regional authority to conduct the investigation pursuant to Section 310.60(b) of this Part.

- c) Emergency Complaints

If it appears necessary for the welfare or protection of the rights of an eligible person, a regional authority may conduct an investigation with the approval of the chairperson and two other members of the regional authority. A proposed investigation ~~Such--action~~ shall be presented for ratification by a majority vote of the members present and constituting a quorum at the next regularly scheduled or special meeting.

- d) Notice to Complainant

A regional authority shall provide a written notice to the complainant ~~that~~ which states:

- 1) a brief summary of the complaint and number assigned to it;
- 2) whether the regional authority will conduct an investigation; or
- 3) whether the regional authority will not conduct an investigation, and the reasons for that decision ~~therefor~~.

- e) Complainants Confidentiality

The regional authority shall keep each complainant's name confidential

GUARDIANSHIP AND ADVOCACY COMMISSION

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from outside sources. If a member of the public or an outside agency requests the name of the complainant, the regional authority shall forward that request to the complainant who shall make the decision regarding disclosure.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Public Information, Rulemaking, and Organization

2) Code Citation: 2 Ill. Adm. Code 1875

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1875.10	Amendment
1875.20	New Section
1875.30	New Section
1875.40	New Section
1875.230	Amendment
APPENDIX A	New Section
APPENDIX B	New Section
APPENDIX C	New Section
APPENDIX D	Amendment
APPENDIX E	New Section
APPENDIX F	Amendment
APPENDIX G	New Section

4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

5) A Complete Description of the Subjects and Issues Involved: The amendments will reflect updated citations, updated organizational charts, and updated addresses for contacting the Guardianship and Advocacy Commission. The new Sections will include information on records and fees pertaining to the public records of the Guardianship and Advocacy Commission as well as adding two new organizational charts.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic appeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives (if applicable): The proposed amendments will have no impact upon units of local government.

11) Time, Place, and Manner in which interested persons may comments on this proposed rulemaking: Interested persons may submit written comments to:

John H. Wank
General Counsel
Illinois Guardianship and Advocacy Commission
160 North LaSalle Street, 8-500
Chicago IL 60601
312/793-5900

GUARDIANSHIP AND ADVOCACY COMMISSION

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All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and non profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XVI: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 1875

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

- Section 1875.10 Public Requests
- 1875.20 Public Submissions
- 1875.30 General Materials Available from the Guardianship and Advocacy Commission
- 1875.40 Fee Schedule for Copies of Records

SUBPART B: RULEMAKING

- Section 1875.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

- Section 1875.210 Commission Organization
- 1875.220 Commission Membership, Terms of Office, and Vacancies
- 1875.230 Officers, Nomination and Elections, Responsibilities, Meetings, Vote, and Quorum
- 1875.240 Powers and Duties
- 1875.250 Standing Committees
- 1875.260 Commission Staff
- 1875.270 Parliamentary Procedure
- 1875.280 Amendment of Rules of Organization

- APPENDIX A Organizational Chart: Office of State Guardian Northern Regions
- APPENDIX B Organizational Chart: Office of State Guardian Central/Southern Regions
- APPENDIX C Organizational Chart: Legal/Guardianship Estate Representatives
- APPENDIX D Organizational Chart: Human Rights Authority
- APPENDIX E Organizational Chart: Legal Advocacy Service
- APPENDIX F Organizational Chart: Administration of Guardianship and Advocacy
- APPENDIX G Organizational Chart: Overview of Guardianship and Advocacy

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 395].

SOURCE: Adopted and codified at 8 Ill. Reg. 3676, effective March 8, 1984;

GUARDIANSHIP AND ADVOCACY COMMISSION

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amended at 9 Ill. Reg. 2278, effective February 1, 1985; amended at 12 Ill. Reg. 16712, effective October 4, 1988; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: PUBLIC INFORMATION

Section 1875.10 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested, the reason for the request and, when applicable, timing requirements. A request should be directed to:

Office of the Director
Guardianship and Advocacy Commission
160 North LaSalle, Suite S-500
Chicago, Illinois 60601

Office of the Director
Guardianship and Advocacy Commission
527-South-Weiley-Suite-388
Chicago-Illinois--60667

- b) When confidential information is requested, or whenever release of information is limited or prohibited by statute or by any provision of 20 Ill. Adm. Code 1, the requestor shall be notified in writing.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 1875.20 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities of the Commission in writing to:

Office of the Director
Illinois Guardianship and Advocacy Commission
State of Illinois Building
160 North LaSalle Street, S-500
Chicago, Illinois 60601

Office of the Director
Guardianship and Advocacy-Commission
527-South-Weiley-Suite-388
Chicago-Illinois-60667

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

GUARDIANSHIP AND ADVOCACY COMMISSION

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Section 1875.30 General Materials Available from the Guardianship and Advocacy Commission

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the organizational structure and budget of the Commission;
- b) A brief description of the means for requesting information and public records;
- c) A list of types and categories of public records maintained by the Commission.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 1875.40 Fee Schedule for Copies of Records

- a) When Charged
The Guardianship and Advocacy Commission shall charge fees according to the schedule provided below to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Commission to copy records.
- b) Copies

- 1) Original Documents
 - A) 8 1/2 x 11, one side, 10 cents per copy
 - B) 8 1/2 x 14, one side, 10 cents per copy
 - C) 8 1/2 x 11, two sides, 20 cents per copy
 - D) 8 1/2 x 14, two sides, 20 cents per copy
 - E) Oversize or undersize materials that do not fit in the document holder - 20 cents per copy

2) Computer printouts

Standard printouts - \$4 per hundred pages.

- c) Notice of Anticipated Fees in Excess of \$25

Where it is anticipated that fees to the requestor will exceed \$25, and the requestor has not indicated in advance his or her willingness to pay fees as high as are anticipated, the requestor shall be notified of the amount of the anticipated fee. A request will not be deemed to have been received until the requestor is notified of the anticipated cost and agrees to bear it. The notification shall also offer the requestor the opportunity to confer with office personnel to reformulate the request to meet his or her needs at a lower cost.

d) Form of Payment

Payment shall be made by check or money order payable to the Guardianship and Advocacy Fund.

e) Advance Deposit

Where the anticipated fee exceeds \$25, an advance deposit of either 25% of the anticipated fee or \$25, whichever is greater, may be required before the material will be reproduced. Where a requestor

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Previously failed to pay a fee under this Section, an advance deposit of the full amount may be required.

f) Waiver

Fees shall not be charged if the Guardianship and Advocacy Commission determines that waiver or reduction of the fee is in the public interest and will primarily benefit the general public. Also, fees shall be waived if the requestor is another State agency, a constitutional officer of this State, or is a member of the Illinois General Assembly.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 1875.230 Officers, Nomination and Elections, Responsibilities, Meetings, Vote, and Quorum

- a) The Commission shall annually elect a Chairperson and any other officers it deems necessary. Other officers shall include a Vice Chairperson, a Secretary and a Treasurer.
- b) Candidates for officers shall be nominated by a Nominating Committee consisting of at least two-fifths members of the Commission appointed by the Chairperson of the Commission prior to the annual meeting. Nominations may be by ballot. The officers shall be elected by the Commissioners at the annual meeting and they shall hold office for a term of one (1) year or until their successors are duly elected and qualified at a special meeting of the Commission. Vacancies in any office shall be filled by the Commission.
- c) The officers shall perform the duties of their office and such other duties as may be required by this Part.

1) The principle duties of the Chairperson of the Commission shall be to:

- A) Preside at all meetings of the Commission.
- B) Appoint all committees and receive committee reports.
- C) Determine the time and place of meetings of the Commission.
- D) Perform all other duties incident to the office of Chairperson.

2) The principle duties of Vice Chairperson shall be to:

- A) Perform the duties and exercise the powers of the Chairperson in the absence or disability of the Chairperson.
- B) Sit as a voting member of the Human Rights Authority, Legal Advocacy Services and Office of the State Guardian Committees.

3) Perform such other duties as may be required.

The principle duties of the Secretary shall be to:

- A) Record the minutes of all proceedings at the Commission meetings.
- B) Perform such other duties as may be required by the Commission.

GUARDIANSHIP AND ADVOCACY COMMISSION

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- 4) The principle duties of the Treasurer shall be to:
- Chair the Fiscal Committee.
 - Perform such other duties as may be required by the Commission.
- d) The Commission meetings are subject to the provisions of the Open Meetings Act [5 ILCS 120] (4111-Rev.-Stat.-1987-CH-1027-PARS-41-ET SEQ) ~~as now or hereafter amended.~~
- The Commission shall meet at least once every ~~three~~ 3 months, at the times and places determined by the Chairperson.
 - Special or additional meetings may be called by the Chairperson upon written notice ~~7~~ seven days (7) before the meeting or by written petition of ~~five~~ 5 members submitted to the Chairperson.
 - The Commission shall record minutes of the proceedings of each meeting.
 - The annual meeting shall be held in the last quarter of the fiscal year, no later than June 30th.
 - Each Commissioner shall be entitled to one vote on all matters presented to the Commission. Proxy ballots shall be accepted when submitted in writing to the Chairperson.
 - Six (6) members of the Commission shall constitute a quorum. A majority vote in a meeting at which a quorum is present shall be sufficient to constitute the transactions of the business of the Commission.

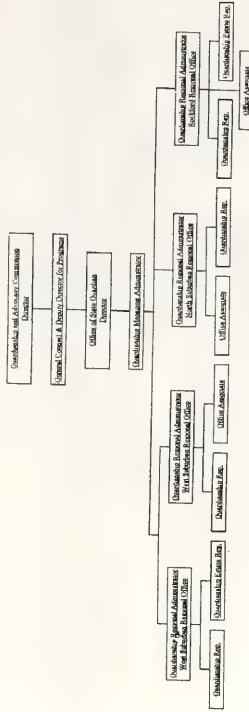
(Source: Amended at 24 Ill. Reg. _____, effective _____)

GUARDIANSHIP AND ADVOCACY COMMISSION

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Section 1875.APPENDIX A Organizational Organization Chart: Office of State Guardian Northern Regions

Illinois Guardianship and Advocacy Commission
Office of State Guardian
Northern Regions



GUARDIANSHIP AND ADVOCACY COMMISSION

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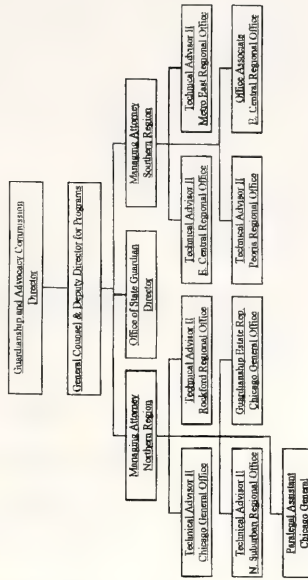
(Source: Added at 24 Ill. Reg. _____, effective _____)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

Section 1875.APPENDIX C Organizational Chart: Legal/Guardianship Estate Representatives

Illinois Guardianship and Advocacy Commission
Office of State Guardian
Legal/Guardianship Estate Representatives

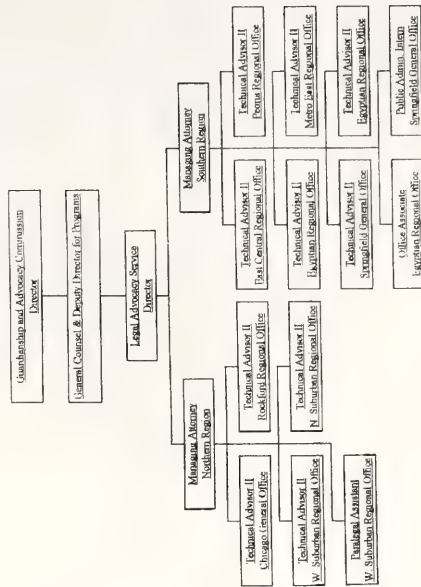


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Section 1875. APPENDIX E Organizational Organization Chart: Legal Advocacy Service

Illinois Guardianship and Advocacy Commission
Legal Advocacy Service



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(Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

Section 1875.APPENDIX F Organizational Chart: Administration of Guardianship and Advocacy



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(Source: Amended at 24 Ill. Reg. _____, effective _____)

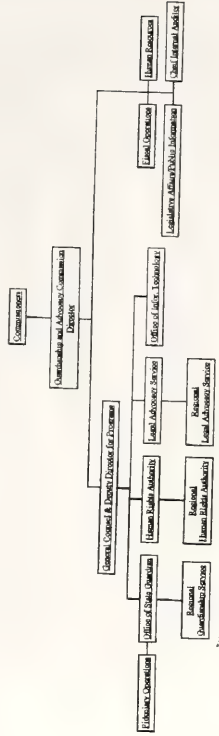
GUARDIANSHIP AND ADVOCACY COMMISSION

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NOTICE OF PROPOSED AMENDMENT(S)

Section 1875. APPENDIX C Organizational Chart: Overview of Guardianship and Advocacy

Illinois Guardianship and Advocacy Commission
(Overview)



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(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Proposed Action:
720.110 Amend
720.111 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.
- This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13

Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is

POLLUTION CONTROL BOARD

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no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

USEPA adopted a technical correction to its 64 Fed. Reg. 56469 (October 20, 1999)

USEPA adopted technical corrections to its 64 Fed. Reg. 63209 (November 19, 1999)

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414 (December 30, 1999)

Specifically, the amendments to Part 720 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The present amendments update the version of the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. The amendments also make a number of corrections requested by the Joint Committee on Administrative Rules (JCAR).

Section 22.4 of the Environmental Protection Act (415 ICS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act [5 ICS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments update the version of the federal Clean Water Act analytical procedures of

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40 CFR 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. USEPA amended 40 CFR 136 on December 30, 1999. The present amendments add references to those federal amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the

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preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope, and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender

SUBPART B: DEFINITIONS

Section	Definitions
720.110	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Petitions for Regulation as Universal Waste
720.123	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Procedures for Determinations
720.132	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.133	Procedures for case-by-case regulation of hazardous waste Recycling Activities
720.140	
720.141	

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20445, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

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"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the United States E-R-Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks and/or between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electrochemical energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler physical characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections must be of

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(such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections ~~sections~~ are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

Boiler by designation. The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility that ~~which~~ an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

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"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents ~~that~~ which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage, or disposal facility,

Of which any of the following is true ~~Which~~:

The facility has ~~has~~ received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

The facility has ~~has~~ received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 [1999] ~~1992~~;

The facility has ~~has~~ received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 [1999] ~~1992~~; or

The facility is ~~is~~ regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

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The facility which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, that which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxions and furans" or "D/F" means tetra, penta, hexa, hepta, and octachlorinated dibenzo dioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.

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"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible and infrared regions of the electromagnetic spectrum.

BOARD-NMPP: The definition of electric lamp was added pursuant to Section 22.22a of the Act--(415--5/22/23)--(see-P.A.--98-5657 effective August 19, 1997).

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

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Region VII: Nebraska, Kansas, Missouri, and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state, and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or The owner or operator had entered into contractual obligations that which could not be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which is in operation, or for which installation has commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

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"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location in the rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States 9-9r Department of Defense (USDOD 9-9r--BBB) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD 9-9r--BBB-certified civilian or contractor personnel and other federal, state, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

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This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that which caused

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the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device of which the following is true that:

The facility uses uses controlled flame combustion, and it neither:

Meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is listed as an industrial furnace; or

The facility meets meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that which is unsuitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

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Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

",

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace ~~"Industrial-Furnace"~~ on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

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The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device that ~~which~~ uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that ~~which~~ is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container that which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Examples of common universal

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waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell, that which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator that which contains the information required by 35 Ill. Adm. Code 722-Subpart B.

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"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high intensity discharge lamps.

BOARD-NB92--the definition of "mercury-containing lamp" was added pursuant to Section 22-23a of the Act (415 ILCS 5/22-23a) (see P-A 99-502, effective August 19, 1997).

"Military munitions" means all ammunition products and components produced or used by or for the United States U-S Department of Defense or the United States U-S Armed Services for national defense and security, including military munitions under the control of the United States U-S Department of Defense, the United States U-S Coast Guard, the United States U-S Department of Energy (USDOE U-S 898), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOE U-S 899 components, including bulk explosive and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges and devices, and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's U-S 899 nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954, as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

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"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility that which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along a right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management

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unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA: 21 USC 321(v)), incorporated by reference in Section 720.111;7

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding subsections of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal food and drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

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"pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment rate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic that which are managed for the purpose of implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code

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724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator that which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either

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adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing remediation waste (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to the requirements of 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste, that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"TPO" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-chlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that which uses elevated temperatures as the primary means to change

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the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bineral sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

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The characteristics and volumes of residuals from a particular treatment process:

Also included in this definition for the purpose of 35 Ill. Adm. Code 733.104(e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the such waste, so as to recover energy or material resources from the waste, or so as to render the such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

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Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Lamps Mercury-containing-lamps, as described in 35 Ill. Adm. Code 733.105 733.107.

BOARD--N992--Mercury-containing-lamps--were--added--as-universal waste--pursuant-to-Section-22-23a-of-the-Act-[415--116S--5/22-23a] (see-P-A-99-5027-effective-August-19-1997);

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturation zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "U.S. EPA" means the United States Environmental Protection Agency.

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"vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"wastewater treatment unit" means a device of which the following is true:

It is ~~is~~ part of a wastewater treatment facility that ~~which~~ has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

It receives ~~Receives~~ and treats or stores an influent wastewater that ~~which~~ is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It ~~meets~~ **Meets** the definition of tank or tank system in this Section.

"water (bulk shipment)" means the bulk transportation of hazardous waste that ~~which~~ is loaded or carried on board a vessel without containers or labels.

"well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"well injection" (See "underground injection").

"zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

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ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300.

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444.

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed

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Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3878-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1986.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a). -- Standard practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b). -- Standard practice for Determining Resistance of Plastics to Bacteria.

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MTC. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update II (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (document document number PB-88-170766).

"Guideline on Air Quality Models", Revised 1986. (document document number PB86-245-248 (Guideline) and PB88-150-958

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(Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGH-HEM; Non-polar Material) by Extraction and Gravimetry;" (document Document number PB99-121949).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983 (document Document number PB-84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990 (document Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March 1993 (document number Document-Number PB-93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SM-846 (Third Edition, November 1986), as amended by Updates 1 (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998) (document number Document-Number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USDOD W-95-B0B. Available from the United States Department of Defense:

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"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-S7D), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E. Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

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Table 2.B of the Annex of OECD Council Decision C(82)90(Final) (May 27, 1988).

USGSA B-6-68A. Available from the United States Government Services Administration:

Government Bill of Lading (GEL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1993:998)

40 CFR 51.100 (11) (1993:998)

40 CFR 51, Appendix W (1993:998)

40 CFR 52.741, Appendix B (1993:998)

40 CFR 60 (1993:998)

40 CFR 61, Subpart V (1993:998)

40 CFR 63 (1993:998)

40 CFR 136 (1993:998), as corrected at 63 Fed. Reg. 38756 (July 28, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at 63 Fed. Reg. 50387 (Sept. 23, 1998) 7-64 Fed. Reg. 4975 (Feb. 27, 1999) 7-64 Fed. Reg. 26315 (May 14, 1999) 7-64 Fed. Reg. 73414 (December 30, 1999)

40 CFR 142 (1993:998)

40 CFR 220 (1993:998)

40 CFR 232.2 (1993:998)

40 CFR 260.20 (1993:998)

40 CFR 264 (1993:998)

40 CFR 268.41 (1990)

40 CFR 268 Appendix IX (1993:998)

40 CFR 270.5 (1993:998)

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40 CFR 302.4, 302.5, and 302.6 (1993:998)

40 CFR 761 (1993:998)

49 CFR 171 (1993:998)

49 CFR 173 (1993:998)

49 CFR 178 (1993:998)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) **Heading of the Part:** Identification And Listing Of Hazardous Waste

- 2) **Code citation:** 35 Ill. Adm. Code 721

- 3) **Section Numbers:**

721.109 Amended

721.132 Amended

721.136 Amended

APPENDIX Y New Section

- 4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal action in the update period:

64 Fed. Reg. 36466
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is

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- no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

64 Fed. Reg. 56469
(October 20, 1999)

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRe).

64 Fed. Reg. 63209
(November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414
(December 30, 1999)

40 CFR 136 amendments

Specifically, the amendments to Part 721 implement segments of the federal July 6, 1999 designation of lamps as universal waste, the September 30, 1999 hazardous waste combustor rule, the October 20, 1999 corrections to the Phase IV LDRe, and the November 19, 1999 corrections to the hazardous waste combustor rule.

Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4) provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 721 includes incorporations by reference, the present amendments do not affect those incorporations.

- 9) Are there any other amendments pending on this Part? No

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- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by Federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
200 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with

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the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda in which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope	Quantity
721.101	Definition of Solid Waste	
721.102	Definition of Hazardous Waste	
721.103	Exclusions	
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators	
721.106	Requirements for Recyclable Materials	
721.107	Removal of Hazardous Waste in Empty Containers	
721.108	PCB Wastes Regulated under WSCA	
721.109	Requirements for Universal Waste	

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.133	

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721.135 Wood Preserving Wastes
 721.138 Comparable or Syngas Fuel Exclusion

APPENDIX A Representative Sampling Methods

APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

APPENDIX C Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

Basis for Listing Hazardous Wastes

APPENDIX G Hazardous Constituents

APPENDIX H Wastes Excluded by Administrative Action

TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

Non-Specific Sources

TABLE B Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from

Specific Sources

TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

Commercial Chemical Products, Off-Specification Species, Container

Residues, and Soil Residues Thereof

TABLE D Wastes Excluded by the Board by Adjusted Standard

Method of Analysis for Chlorinated Dibenzo-p-Dioxins and

Dibenzofurans (Repealed)

APPENDIX J Table to Section 721.138

APPENDIX K Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7930, effective

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May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702 through 705, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The wastes listed in this Section are subject to regulation under 35 Ill. Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
- b) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- c) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
- d) Lamps Mercury-containing-lamps, as described in 35 Ill. Adm. Code 733.105 743-107.

BOARD-N0992--SubSection-(d)-of-this-Section--was--added--pursuant--to

Section--22-236--of-the-Act--(415--1165--5/22-23a)--(see-PA-90-507

effective-August-19/1997)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA Hazardous Waste No.	Industry and Hazardous Waste Wood Preservation:	Hazard Code
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
	Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)	K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)	K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)	K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)	K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)	K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)	K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)	K113	Condensed liquid light ends from the purification of toluenediamine in the production of dinitrotoluene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)	K114	Hydrogenation of dinitrotoluene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)	K115	Heavy ends from the purification of toluenediamine in the production of dinitrotoluene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)	K116	Heavy ends from the purification of toluenediamine in the production of dinitrotoluene.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)	K117	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)	K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)	K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)	K140	Floor sweepings, off-specification product and spent filter media from the production of 2,4,6-tribromophenol.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)			
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)			
K083	Distillation bottoms from aniline production.	(T)			
K103	Process residues from aniline extraction from the production of aniline.	(T)			
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)			
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)			
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)			

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159 K161	Organics from the treatment of thiocarbamate wastes. Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(T) (R,T)
K071	Inorganic Chemicals: Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
	Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of cresote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethyolphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slip oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
K172	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)

Iron and Steel:

K088

Spent potliners from primary aluminum reduction.

(T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
Primary Copper:		
K064	Acid-paint-blowdown-slurry-or-sludge--resulting--from the--thickening--of--blowdown-slurry--from--primary--copper production.	(#)
Primary Lead:		
K065	Surface--impoundments--solids--contained--in--and--dredged from--surface--impoundments--at--primary--lead--smelting facilities.	(#)
Primary Zinc:		
K066	Sludge--from--treatment--of--process--wastewater--or--acid plant--blowdown--from--primary--zinc--production.	(#)
BOARD--N088--This--waste--listing--is--the--subject--of--a Judicial--remand--in--American--Mining--Congress--v--EPA 907--F.2d--1119--(8-8-6-1998).--The--Board--intends--that this--listing--not--become--enforceable--in--Illinois--until the--first--date--upon--which--the--Board--RCRA--program becomes--not--equivalent--to--the--Federal--program within--the--meaning--of--section--3006(b)--of--the--RCRA Act--42--USC--6926(b)--The--Board--RCRA--rules--become less--stringent--than--the--USHPA--rules--as--this--phrase is--used--in--section--3009--42--USC--6959--or--the--Board RCRA--rules--are--not--identical--in--substance--with--the federal--rules--as--that--term--is--intended--by--415--US 577-2 and 22-4--as--a--result--of--some--action--by--USHPA with--regard--to--this--listing--in--response--to--the American--Mining--Congress--remand.		
Primary Aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Perceatitoystr	
K999	Emission-----control-----dust-----or-----sludge-----from ferrochromiumsilicon-production-	(F)
K999	Emission-control-dust-or-sludge-from-ferrochromium production	(F)
	Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting. BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
	Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.	(T)
	Coking:	
K060	Ammonia still lime sludge from coking operations.	(T)

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USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in still, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, and ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

- a) Comparable fuel specifications.
 - 1) Physical specifications.
 - A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
 - B) Viscosity. The viscosity must not exceed 50 cs, as-fired.
 - 2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.
- b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:
 - 1) It must have a minimum Btu value of 100 Btu/Scf;
 - 2) It must contain less than 1 ppmv of total halogen;
 - 3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
 - 4) It must contain less than 200 ppmv of hydrogen sulfide; and
 - 5) It must contain less than 1 ppmv of each hazardous constituent in the target list of Appendix H constituents.
- c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:
 - 1) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.
 - A) Notice to the Agency.
 - i) The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;
 - ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator shall specify at which sites the comparable or syngas fuel will be generated;

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- iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.
- B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:
 - i) The name, address, and USEPA identification number of the generating facility;
 - ii) The name and address of the units ~~units~~ that will burn the comparable or syngas fuel;
 - iii) A brief, general description of the manufacturing, treatment or other process generating the comparable or syngas fuel;
 - iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and
 - v) The name and mailing address of the Agency office, to which the claim was submitted.
- C) Required content of comparable or syngas notification to the Agency.
 - i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
 - ii) The applicable USEPA hazardous waste codes ~~codes~~ for the hazardous waste;
 - iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section that which will burn the comparable or syngas fuel; and
 - iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

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information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsection (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also shall be subject to federal, State, and local air emission requirements, including all applicable Federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
- B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
 - i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
 - ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

- C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or applicable CAA MACT standards.

- 3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:

- A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;

- B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and

- C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.

- 4) Treatment to meet the comparable fuel exclusion specifications.
 - A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:

- i) The treatment destroys or removes the constituent

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listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;

- ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
- iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.

- B) Residuals resulting from the treatment of a hazardous waste fuel remain a hazardous waste.

- 5) Generation of a syngas fuel.

A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:

- i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;

- ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and

- iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.

- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.

- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.

- 7) Waste analysis plans. The generator of a comparable or syngas fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan shall be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan shall be followed and retained at the facility excluding the waste.

- A) At a minimum, the plan must specify the following:

- i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;

- ii) The test methods that which will be used to test for

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these parameters:

- iii) The sampling method that which will be used to obtain a representative sample of the waste to be analyzed;
 - iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
 - v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
- B) The waste analysis plan must also contain records of the following:
- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the persons ~~persons~~ who obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
 - vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and
 - viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.
- C) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

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8) Comparable fuel sampling and analysis.

- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:
- i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
 - ii) A constituent detected in previous analysis of the waste;
 - iii) Constituents introduced into the process that generates the waste; or
 - iv) Constituents that are byproducts or side reactions to the process that generates the waste.
- ~~Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents. A determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.~~
- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(b) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
 - ii) That analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111

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that requires any person which generates a solid waste to determine if that waste is a hazardous waste.

E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification shall be on the generator claiming the exclusion.

F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.

G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.

H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator shall undertake the following actions:

- i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
- ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.

I) Excluded comparable or syngas fuel must be retested ~~re-tested~~, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; ~~a determination not to test for hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.~~

9) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).

10) Records. The generator must maintain records of the following information on-site:

- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
 - i) The owner or operator name, address, and RCRA facility US EPA identification number of the person claiming the exclusion;
 - ii) The applicable US EPA hazardous waste codes for each hazardous waste excluded as a fuel; and
 - iii) The certification signed by the person claiming the exclusion or his authorized representative;
- B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
- C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
- D) Documentation for any claim that a constituent is not

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present in the hazardous waste as required under subsection (c)(9)(A) of this Section;

E) The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;

F) If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;

G) If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;

H) A waste analysis plan and the results of the sampling and analysis that includes the following:

- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
- ii) The names and qualifications of the persons ~~person(s)~~ that obtained the samples;
- iii) A description of the temporal and spatial locations of the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any clean-up and sample preparation methods;

vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.);

laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;

vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and

viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and

I) If the generator ships comparable or syngas fuel off-site for burning, the generator shall retain for each shipment the following information on-site:

- i) The name and address of the facility receiving the comparable or syngas fuel for burning;
- ii) The quantity of comparable or syngas fuel shipped and delivered;
- iii) The date of shipment or delivery;

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- iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and
- v) A one-time certification by the burner as required under subsection (c)(12) of this Section.

11) Records retention. Records must be maintained for the period of three years. A generator shall maintain a current waste analysis plan during that three year period.

12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship their fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:

- A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section;
- B) Identification of the name and address of the units that will burn the comparable or syngas fuel; and
- C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of this Section.

13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

- d) Table Y of this Part sets forth the table of detection and detection limit values for comparable fuel specification:

Chemical Name	CAS No.	Concentration limit-(mg/kg 10 ³ 000-Btu/lb)	Minimum required detection limit-(mg/kg) ¹
Total-Nitrogen-As-N	na	4900	
Total-Halogens-as-Cl	na	540	
Total-Organic-Halogens-as-C ₂	na	95-or-individual halogenated organics-listed below	
Polychlorinated-biphenyls, total-(Aroclors [®] -total)(a)	1336-36-3	Non-detect	1-4
Cyanidey-total	57-12-5	Non-detect	1-0
Metals:			

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Chemical Name	CAS No.	Concentration limit-(mg/kg 10 ³ 000-Btu/lb)	Minimum required detection limit-(mg/kg) ¹
Antimony-total	7440-36-0	7-9	
Arsenic-total	7440-39-2	0-23	
Barium-total	7440-39-3	33	
Beryllium-total	7440-41-7	1-2	
Cadmium-total	7440-43-9	1-2	
Chromium-total	7440-47-3	2-3	
Cobalt	7440-48-4	4-6	
Lead-total	7439-92-1	31	
Manganese	7439-96-5	1-2	
Mercury-total	7439-97-6	0-24	
Nickel-total	7440-02-0	50	
Selenium-total	7782-49-2	0-15	
Silver-total	7440-22-4	2-3	
Thallium-total	7440-29-0	23	
Hydrocarbons:			
Benzofluoranthracene	56-55-3	1100	
Benzene	71-43-2	4100	
Benzofluoranthene	205-99-2	900	
Benzofluoranthene	207-08-9	1000	
Benzofluoranthene	50-32-0	900	
Chrysene	218-01-9	1400	
Benzofluoranthracene	53-70-3	900	
7,12-Bimethylbenzofluoranthene	57-97-6	1000	
Anthracene	206-44-0	1000	
Fluoranthene	192-39-5	1000	
Indeno[1,2,3-cd]pyrene	192-39-5	1000	
3-Methylchioranthene	56-49-5	3000	
Naphthalene	91-20-3	3000	
Toluene	100-66-3	3000	
Oxygates:			
Acetophenone	98-06-2	1000	
Acrolein	107-02-0	37	
Allyl-alcohol	107-10-6	30	
Bis(2-ethylhexyl)-phthalate-(Bt-2-ethyl-hexyl-phthalate)	117-01-7	1000	
Butyl-benzyl-phthalate	85-68-7	1000	
o-Cresol-(2-Methyl-phenol)	95-48-7	300	
m-Cresol-(3-Methyl-phenol)	108-39-4	220	
p-Cresol-(4-Methyl-phenol)	106-44-5	220	

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Chemical-Name	CAS-No-	Concentration limit-(mg/kg 10/000-Btu/lb)	Minimum required detection limit-(mg/kg)
phenol†			
MBI-n-butyl-phthalate	84-74-2	1900	
Diethyl-phthalate	84-66-2	1900	
2,4-Dimethylphenol	105-67-9	1900	
Bismethyl-phthalate	131-11-3	1900	
Bi-n-octyl-phthalate	117-84-0	960	
Endosulf	145-73-3	1900	
Ethyl-methacrylate	92-63-2	37	
2-Ethoxyethanol	110-80-5	1900	
Ethylene-glycol			
monomethyl-ether†			
isobutyl-alcohol	78-83-1	37	
isosaifene	120-58-1	1900	
Methyl-ethyl-ketone-(2-Butanone)	78-93-3	37	
Methyl-methacrylate	80-62-6	37	
1,4-Naphthoquinone	130-15-4	1900	
Phenol	108-95-2	1900	
Propargyl-alcohol-(2-Propyn-1-ol)	107-10-7	30	
Saifene	94-59-7	1900	
Sulfonated-Organics:			
Carbon-disulfide	75-15-0	Non-detect	37
Bisulfon	298-04-4	Non-detect	1900
Ethyl-methanesulfonate	62-50-8	Non-detect	1900
Methyl-methane-sulfonate	66-27-3	Non-detect	1900
Phorate	298-03-2	Non-detect	1900
1,3-Propane-sultone	1020-71-4	Non-detect	1900
Tetraethylthiopyrophosphate-(Suifotpp†)	3689-24-5	Non-detect	1900
Thiophenol-(Benzene-thiol)	108-98-5	Non-detect	30
0,0-Diethyl phosphorothioate	26-60-1	Non-detect	1900
Nitrogenated-Organics:			
Acetonitrile-(Methyl cyanide)	75-05-0	Non-detect	37
2-Acetylaminofluorene (2-AAP)	53-96-3	Non-detect	1900
Acrylonitrile	107-13-1	Non-detect	37
4-Aminobiphenyl	93-67-1	Non-detect	1900
4-Aminopyridine	504-24-5	Non-detect	1900

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Chemical-Name	CAS-No-	Concentration limit-(mg/kg 10/000-Btu/lb)	Minimum required detection limit-(mg/kg)
Aniline	62-53-3	Non-detect	1900
Benizidine	92-07-5	Non-detect	1900
Bifenafarjacridine	224-42-0	Non-detect	1900
0,0-Diethyl-0-pyrazinyl-phosphor-thioate-(Phthosarin)	297-97-2	Non-detect	1900
Bisethoat	60-51-5	Non-detect	1900
P-Bis(methylamino)azobenzene-(4-Bimethylaminosobenzene)	60-11-7	Non-detect	1900
3,3'-Bimethylbenzidine	119-93-7	Non-detect	1900
4,4'-Bimethylphenethylamine	122-09-0	Non-detect	1900
3,3'-Bimethoxybenzidine	119-90-4	Non-detect	1900
1,3-Dinitrobenzene-(m-Binitrobenzene)	99-65-0	Non-detect	1900
4,6-Dinitro-o-cresol	534-52-1	Non-detect	1900
2,4-Dinitrophenol	51-28-5	Non-detect	1900
2,4-Dinitrotoluene	121-14-2	Non-detect	1900
2,6-Dinitrotoluene	606-20-2	Non-detect	1900
Dinoseb-(2-sec-Butyl-4,6-dinitrophenol)	80-05-7	Non-detect	1900
Biphenylamine	122-39-4	Non-detect	1900
Ethyl-carbamate (urethane)	51-79-6	Non-detect	1900
Ethylmethathouren-(2-imidazolidinethione)	96-45-7	Non-detect	110
Famphur	52-85-7	Non-detect	1900
Methacrylonitrile	126-98-7	Non-detect	37
Methylstyrene	91-08-5	Non-detect	1900
Methoxyl	16752-77-5	Non-detect	57
2-Methylacetonitrile (Acetone-cyanohydrin)	75-06-5	Non-detect	1900
Methyl-parathion	298-00-0	Non-detect	1900
MNNS-(N-Methyl-N-nitroso-N'-nitroguanidine)	70-25-7	Non-detect	110
1-Naphthylamine-(alpha-Naphthylamine)	134-32-7	Non-detect	1900
2-Naphthylamine-(beta-Naphthylamin)	91-59-8	Non-detect	1900
Nicotine	54-11-5	Non-detect	1900

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Chemical Name	EAS-Not	Concentration limit-(mg/kg 10/1000-Btu/lb)	Minimum required detection limit-(mg/kg) 10/1000-Btu/lb)
4-Nitroaniline-(p-Nitroaniline)	100-01-6	Non-detect	1000
Nitrobenzene	98-95-3	Non-detect	1000
p-Nitrophenol-(p-Nitrophenol)	100-02-7	Non-detect	1000
5-Nitro-o-toluidine	99-55-0	Non-detect	1000
N-Nitroso-n-butylamine	924-16-3	Non-detect	1000
N-Nitrosodiethylamine	55-10-5	Non-detect	1000
N-Nitrosodiphenylamine-(bisphenylnitrosamine)	86-30-6	Non-detect	1000
N-Nitroso-N-methylethylamine	10595-95-6	Non-detect	1000
N-Nitrosomorpholine	59-09-2	Non-detect	1000
N-Nitrosopiperidine	100-75-4	Non-detect	1000
N-Nitrosopyrrolidine	930-55-2	Non-detect	1000
2-Nitropropane	79-46-9	Non-detect	30
Parathion	56-38-2	Non-detect	1000
Phenacetin	62-44-2	Non-detect	1000
1,4-Phenylenediamine	106-50-3	Non-detect	1000
1,4-Phenylenediamine	103-85-5	Non-detect	57
N-Phenylthiourea	109-06-0	Non-detect	1000
2-Picoline-(alpha-Picoline)	51-52-5	Non-detect	100
Propylthoracil-(6-Propyl-2-thiouracil)	110-06-1	Non-detect	1000
Pyridine	57-24-9	Non-detect	100
Strychnine	62-55-5	Non-detect	57
Whiteoceanide	30196-18-4	Non-detect	100
Whiteoxen	62-56-6	Non-detect	57
Toluene-2,4-diamine	95-00-9	Non-detect	57
(2,4-Diaminotoluene)	023-40-5	Non-detect	57
Toluene-2,6-diamine	95-53-4	Non-detect	2000
o-Toluidine	106-49-0	Non-detect	1000
p-Toluidine	99-35-4	Non-detect	2000
(p,p'-Dinitrobenzene)	107-05-1	Non-detect	37
Halogenated-Organics(b):	104-57-0	Non-detect	1000
Allyl-Chloride			
Aramite			

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Chemical Name	EAS-Not	Concentration limit-(mg/kg 10/1000-Btu/lb)	Minimum required detection limit-(mg/kg) 10/1000-Btu/lb)
Benzal-chloride-(p-chloromethyl-benzene)	98-07-3	Non-detect	100
Benzyl-chloride	100-44-77	Non-detect	100
Bis(2-chloroethyl)ether (Bichloroethyl-ether)	111-44-4	Non-detect	1000
Bromoform-(tribromomethane)	75-25-2	Non-detect	37
Bromomethane-(Methyl bromide)	74-83-9	Non-detect	37
4-Bromophenyl-phenyl ether-(p-Bromodiphenyl ether)	101-55-3	Non-detect	1000
Carbon-tetrachloride	56-23-5	Non-detect	37
Chloroform	53-74-9	Non-detect	14
p-Chloroaniline	106-47-0	Non-detect	1000
Chlorobenzene	100-90-7	Non-detect	37
Chlorobenzilate	510-15-6	Non-detect	1000
p-Chloro-m-cresol	59-50-7	Non-detect	1000
2-Chloroethyl-vinyl ether	110-75-0	Non-detect	37
Chloroform	67-66-3	Non-detect	37
Chloromethane-(Methyl chloride)	74-87-3	Non-detect	37
2-Chlorophthalene	91-50-7	Non-detect	1000
(beta-Chlorophthalene)	95-57-0	Non-detect	1000
2-Chlorophenol-(o-Chlorophenol)	1126-99-0	Non-detect	37
Chloroprene-(2-Chloro-1,3-butadiene)	94-75-7	Non-detect	7-0
2,4-D-(2,4-Bichlorophenoxyacetic acid)	2303-16-4	Non-detect	1000
Blaxiate	96-12-0	Non-detect	37
1,2-Dibromo-3-chloropropane	95-50-1	Non-detect	1000
1,2-Dichlorobenzene	541-73-1	Non-detect	1000
1,3-Dichlorobenzene	106-46-7	Non-detect	1000
1,4-Dichlorobenzene	91-94-1	Non-detect	1000
1,3,4-Bichlorobenzidine	75-71-0	Non-detect	37
Bichlorodifluoro-methane-(CF2Cl2)			

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Chemical Name	CAS-No.	Concentration limit-(mg/kg ±0.000-Btu/lb)	Minimum required detection limit-(mg/kg)±1	Chemical Name	CAS-No.	Concentration limit-(mg/kg ±0.000-Btu/lb)	Minimum required detection limit-(mg/kg)±1
1,2-Dichloroethane {Ethylene-dichloride}	107-06-2	Non-detect	37	chlorocyclohexane} {gamma-BHC}			
1,1-Dichloroethylene {vinylidene-chloride}	75-35-4	Non-detect	37	ethylene-chloride {Dichloromethane}	75-09-2	Non-detect	37
Bichloromethoxy ethane-{Bis(2-chloro- ethoxy)methane}	111-91-1	Non-detect	1900	4,4'-methylene-bis(2- chloroaniline)	101-14-4	Non-detect	100
2,4-Dichlorophenol	120-03-2	Non-detect	1900	Methyl-iodide-{Iodo- methane}	74-89-4	Non-detect	37
2,6-Dichlorophenol	87-65-0	Non-detect	1900	Pentachlorobenzene	600-93-5	Non-detect	1900
1,2-Dichloropropane {propylene-dichloride}	78-07-5	Non-detect	37	Pentachloroethane	76-01-7	Non-detect	37
cis-1,3-Dichloro- propylene	10661-01-5	Non-detect	37	Pentachloronitro- benzene-{PCNB}	82-69-0	Non-detect	1900
trans-1,3-Dichloro- propylene	10661-02-6	Non-detect	37	{Quintobenzene}			
1,3-Dichloro-2- propanol	96-23-1	Non-detect	30	Pentachlorophenol	87-86-5	Non-detect	1900
Endosulfan-I	959-98-0	Non-detect	1-4	Formamide	2950-58-5	Non-detect	1900
Endosulfan-II	33213-65-9	Non-detect	1-4	Silver-{2,4,5-Tris- chlorophenoxy}	59-72-1	Non-detect	7-0
Endrin	72-20-0	Non-detect	1-4	Propionic-acid}			
Endrin-aldehyde	7421-93-4	Non-detect	1-4	2,3,7,8-Tetrachloro- dibenzo-P-dioxin	1746-01-6	Non-detect	30
Endrin-ketone	53494-78-5	Non-detect	1-4	{2,3,7,8-TCDD}			
Epichlorohydrin-{1- chloro-2,3-epoxy propane}	106-69-0	Non-detect	30	1,2,4,5-Tetrachloro- benzene	95-94-3	Non-detect	1900
Ethylidene-dichloride {1,1-Dichloroethane}	75-34-3	Non-detect	37	1,3,7,8-Tetrachloro- ethane	79-34-5	Non-detect	37
2-Fluoroacetamide	640-19-7	Non-detect	100	Tetrachloroethylene {Perchloroethylene}	127-18-4	Non-detect	37
Heptachlor	76-44-0	Non-detect	1-4	2,3,4,6-Tetrachloro- phenol	50-99-2	Non-detect	1900
Heptachlor-epoxide	1024-57-3	Non-detect	2-0	1,2,4-Trichlorobenzene	120-82-1	Non-detect	1900
Hexachlorobenzene	118-74-1	Non-detect	1900	1,1,1-Trichloroethane {Methyl-chloroform}	72-55-6	Non-detect	37
Hexachloro-1,3-Buta- diene-{Hexachlorobuta- diene}	87-68-3	Non-detect	1900	1,1,2-Trichloroethane {vinyl-trichloride}	79-00-5	Non-detect	37
Hexachlorocyclopenta- diene	77-47-4	Non-detect	1900	Trichloroethylene	79-01-6	Non-detect	37
Hexachloroethane	67-72-1	Non-detect	1900	Trichlorofluoromethane	73-69-4	Non-detect	37
Hexachlorophene	70-30-4	Non-detect	1900	{Trichloromonofluoro- methane}			
Hexachloropropene {Hexachloropropylene}	1000-71-7	Non-detect	1900	2,4,5-Trichlorophenol	95-95-4	Non-detect	1900
Iodolin	465-73-6	Non-detect	1900	2,4,6-Trichlorophenol	88-06-2	Non-detect	1900
Kepone-{Chlordecone}	143-50-0	Non-detect	3000	1,2,3-Trichloropropane	96-18-4	Non-detect	37
Endane-{gamma-Hexa- chlorocyclopentadiene}	50-69-9	Non-detect	1-4	Vinyl-Chloride	75-01-4	Non-detect	37

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(a) Absence of PCBs can also be demonstrated by using appropriate screening methods e.g., immunoassay kit for PCB in oil (Method 4826) or colorimetric analysis for PCBs in oil (Method 9879).

(b) Some minimum required detection limits are above the total halogen limit of 540 ppm. The detection limits reflect what was achieved during USEPA testing and analysis and also analytical complexity associated with measuring all halogen compounds on Appendix B of this Part at low levels. USEPA stated that it recognizes that in practice the presence of these compounds will be functionally limited by the molecular weight and the total halogen limit of 540 ppm.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 721.APPENDIX Y Table to Section 721.138

Chemical name	CAS No	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	
Total Halogens as Cl	NA	1000	18400	540	
Total Organic Halogens as Cl	NA	=	=	(Note 1)	
Polychlorinated biphenyls, total (Aroclors, total)	1336-36-3	ND	=	ND	1.4
Cyanide, total	57-12-5	ND	=	ND	1.0
Metals:					
Antimony, total	7440-36-0	ND	=	12	
Arsenic, total	7440-38-2	ND	=	0.23	
Barium, total	7440-39-3	ND	=	23	
Beryllium, total	7440-41-7	ND	=	1.2	
Cadmium, total	7440-43-9	=	ND	1.2	
Chromium, total	7440-47-3	ND	=	2.3	
Cobalt	7440-48-4	ND	=	4.6	
Lead, total	7439-92-1	57	18100	31	
Manganese	7439-96-5	ND	=	1.2	
Mercury, total	7439-97-6	ND	=	0.25	
Nickel, total	7440-02-0	106	18400	58	
Selenium, total	7782-49-2	ND	=	0.23	
Silver, total	7440-22-4	ND	=	2.3	
Thallium, total	7440-28-0	ND	=	23	
Hydrocarbons:					
Benzolanthracene	56-55-3	ND	=	2400	
Benzene	71-43-2	8000	19600	4100	
Benzol(b)fluoranthene	205-99-2	ND	=	2400	
Benzol(k)fluoranthene	207-08-9	ND	=	2400	
Benzol(a)pyrene	50-32-8	ND	=	2400	
Chrysene	218-01-9	ND	=	2400	
Dibenzol(a,h)anthracene	53-70-3	ND	=	2400	
e					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

7,12-Dimethylbenz[a]anthracene	57-97-6	ND	=	2400
Fluoranthene	206-44-0	ND	=	2400
Indeno[1,2,3-cd]pyrene	193-39-5	ND	=	2400
3-Methylcholanthrene	56-49-5	ND	=	2400
Naphthalene	91-20-3	6200	19400	3200
Toluene	108-88-3	69000	19400	36000
Oxyacetone	98-86-2	ND	=	2400
Acetophenone	107-02-8	ND	=	39
Acrolein	107-18-6	ND	=	30
Bis(2-ethylhexyl)phthalate [Di-2-ethylhexyl phthalate]	117-81-7	ND	=	2400
Butyl benzyl phthalate	85-68-7	ND	=	2400
o-Cresol [2-Methyl phenol]	95-48-7	ND	=	2400
m-Cresol [3-Methyl phenol]	108-39-4	ND	=	2400
p-Cresol [4-Methyl phenol]	106-44-5	ND	=	2400
Di-n-butyl phthalate	84-74-2	ND	=	2400
Diethyl phthalate	84-66-2	ND	=	2400
2,4-Dimethylphenol	105-67-9	ND	=	2400
Dimethyl phthalate	131-11-3	ND	=	2400
Di-n-octyl phthalate	117-84-0	ND	=	100
Endothall	145-73-3	ND	=	39
Ethyl methacrylate	97-63-2	ND	=	100
2-Ethoxyethanol	110-80-5	ND	=	
Ethylene glycol monoethyl ether	78-83-1	ND	=	39
Isobutyl alcohol	120-58-1	ND	=	1900
Isosafrole	78-93-3	ND	=	39
Methyl ethyl ketone [2-Butanone]				
Methyl methacrylate	80-62-6	ND	=	39

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1,4-Naphthoquinone	130-15-4	ND	=	2400
Phenol	108-95-2	ND	=	2400
Propargyl alcohol [2-Propyn-1-ol]	107-19-7	ND	=	30
Safrole	94-59-7	ND	=	2400
Sulfonated Organics:				
Carbon disulfide	75-15-0	ND	=	ND
Disulfoton	298-04-4	ND	=	ND
Ethyl methanesulfonate	62-50-0	ND	=	ND
Methyl methane-sulfonate	66-27-3	ND	=	ND
Phorate	298-02-2	ND	=	ND
1,3-Propane sultone	1120-71-4	ND	=	ND
Tetraethylthiophosphosphate [Sulfotep]	3689-24-5	ND	=	ND
Thiophenol [Benzene-thiol]	108-98-5	ND	=	ND
O,O,O-Triethyl phosphorothioate	126-68-1	ND	=	ND
Nitrogenated Organics:				
Acetonitrile [Methyl cyanide]	75-05-8	ND	=	ND
2-Acetylaminofluorene [2-AAF]	53-96-3	ND	=	ND
Acrylonitrile	107-13-1	ND	=	ND
4-Aminobiphenyl	92-67-1	ND	=	ND
4-Aminopyridine	504-24-5	ND	=	ND
Aniline	62-53-3	ND	=	ND
Benzidine	92-87-5	ND	=	ND
Dibenz[a,l]acridine	224-42-0	ND	=	ND
O,O-Diethyl O-pyrazinyl phosphorothioate [Thionazin]	297-97-2	ND	=	ND
Dimethoate	60-51-5	ND	=	ND
p-(Dimethylamino)azobenzene [4-Dimethylaminoazobenzene]	60-11-7	ND	=	ND

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3,3'-Dimethylbenzidine	119-93-7	ND	=	ND	2400
a,4-Dimethylphenethylamine.	122-09-8	ND	=	ND	2400
3,3'-Dimethoxybenzidine	119-90-4	ND	=	ND	100
1,3-Dinitrobenzene [m-Dinitrobenzene]	99-65-0	ND	=	ND	2400
4,6-Dinitro-o-cresol	534-52-1	ND	=	ND	2400
2,4-Dinitrophenol	51-28-5	ND	=	ND	2400
2,4-Dinitrotoluene	121-14-2	ND	=	ND	2400
2,6-Dinitrotoluene	606-20-2	ND	=	ND	2400
Dinoseb [2-sec-Butyl-4,6-dinitrophenol]	88-85-7	ND	=	ND	2400
Diphenylamine	122-39-4	ND	=	ND	2400
Ethyl carbamate	51-79-6	ND	=	ND	100
[Urethane]	96-45-7	ND	=	ND	110
Ethylmethiourea (2-Imidazolidinethione)	52-85-7	ND	=	ND	2400
Famphur	126-98-7	ND	=	ND	39
Methacrylonitrile	91-80-5	ND	=	ND	2400
Methapyrrene	16752-77-5	ND	=	ND	57
Methomyl	75-86-5	ND	=	ND	100
2-Methylacetonitrile [Acetone cyanohydrin]	298-00-0	ND	=	ND	2400
Methyl parathion	70-25-7	ND	=	ND	110
MNNG [N-Methyl-N-nitroso-N'-nitroguanidine]	134-32-7	ND	=	ND	2400
1-Naphthylamine, [α-Naphthylamine]	91-59-8	ND	=	ND	2400
2-Naphthylamine, [β-Naphthylamine]	54-11-5	ND	=	ND	100
Nicotine	100-01-6	ND	=	ND	240
4-Nitroaniline, [p-Nitroaniline]					

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Nitrobenzene	98-95-3	ND	=	ND	2400
p-Nitrophenol, [p-Nitrophenol]	100-02-7	ND	=	ND	2400
5-Nitro-o-toluidine	99-55-8	ND	=	ND	2400
N-Nitrosodi-n-butylamine	924-16-3	ND	=	ND	2400
N-Nitrosodiethylamine	55-18-5	ND	=	ND	2400
N-Nitrosodiphenylamine, [Diphenylnitrosamine]	86-30-6	ND	=	ND	2400
N-Nitroso-N-methylethylamine	10595-95-6	ND	=	ND	2400
N-Nitrosomorpholine	59-89-2	ND	=	ND	2400
N-Nitrosopiperidine	100-75-4	ND	=	ND	2400
N-Nitrosopyrrolidine	930-55-2	ND	=	ND	2400
2-Nitropropane	79-46-9	ND	=	ND	30
Parathion	56-38-2	ND	=	ND	2400
Phenacetin	62-44-2	ND	=	ND	2400
1,4-Phenylene diamine, [p-Phenylenediamine]	106-50-3	ND	=	ND	2400
N-Phenylthiourea	103-85-5	ND	=	ND	57
2-Picoline [alpha-Picoline]	109-06-8	ND	=	ND	2400
Propylthoracil [6-Propyl-2-thiouracil]	51-52-5	ND	=	ND	100
Pyridine	110-86-1	ND	=	ND	2400
Strychnine	57-24-9	ND	=	ND	100
Thioacetamide	62-55-5	ND	=	ND	57
Thiofanox	39196-18-4	ND	=	ND	100
Thiourea	62-56-6	ND	=	ND	57
Toluene-2,4-diamine [2,4-Diaminotoluene]	95-80-7	ND	=	ND	57
Toluene-2,6-diamine [2,6-Diaminotoluene]	823-40-5	ND	=	ND	57
o-Toluidine	95-53-4	ND	=	ND	2400
p-Toluidine	106-49-0	ND	=	ND	100

POLLUTION CONTROL BOARD
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1,3,5-Trinitrobenzene, [sym-Trinitrobenzene]	99-35-4	ND	==	ND	2400
Halogenated Organics:					
Allyl chloride	107-05-1	ND	==	ND	39
Aramite	104-57-8	ND	==	ND	2400
Benzal chloride (Di- chloromethyl benzene)	98-87-3	ND	==	ND	100
Benzyl chloride	100-44-77	ND	==	ND	100
Bis(2-chloroethyl)ether [Dichloroethyl ether]	111-44-4	ND	==	ND	2400
Bromoform	75-25-2	ND	==	ND	39
[Tribromomethane]	74-83-9	ND	==	ND	39
Bromomethane					
[Methyl bromide]					
4-Bromophenyl phenyl ether [p-Bromodi- phenyl ether]	101-55-3	ND	==	ND	2400
Carbon tetrachloride	56-23-5	ND	==	ND	39
Chlordane	57-74-9	ND	==	ND	14
p-Chloroaniline	106-47-8	ND	==	ND	2400
Chlorobenzene	108-90-7	ND	==	ND	39
Chlorobenzilate	510-15-6	ND	==	ND	2400
p-Chloro-m-cresol	59-50-7	ND	==	ND	2400
2-Chloroethyl vinyl ether	110-75-8	ND	==	ND	39
Chloroform	67-66-3	ND	==	ND	39
Chloromethane	74-87-3	ND	==	ND	39
[Methyl chloride]					
2-Chlorophthalene	91-58-7	ND	==	ND	2400
[beta-Chlorophthalene]					
2-Chlorophenyl [o- Chlorophenyl]	95-57-8	ND	==	ND	2400
Chloroprene [2- Chloro-1,3-butadiene]	1126-99-8	ND	==	ND	39
2,4-D [2,4-Dichloro- phenoxyacetic acid]	94-75-7	ND	==	ND	7.0
Diallate	2303-16-4	ND	==	ND	2400

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1,2-Dibromo-3-chloro- propane	96-12-8	ND	==	ND	39
1,2-Dichlorobenzene [o-Dichlorobenzene]	95-50-1	ND	==	ND	2400
1,3-Dichlorobenzene	541-73-1	ND	==	ND	2400
[m-Dichlorobenzene]					
1,4-Dichlorobenzene	106-46-7	ND	==	ND	2400
[p-Dichlorobenzene]					
3,3'-Dichlorobenzidine	91-94-1	ND	==	ND	2400
Dichlorodifluoro- methane [CFC-12]	75-71-8	ND	==	ND	39
1,2-Dichloroethane	107-06-2	ND	==	ND	39
[Ethylene dichloride]					
1,1-Dichloroethylene	75-35-4	ND	==	ND	39
[Vinylidene chloride]					
Dichloromethoxy ethane [Bis(2-chloro- ethoxy)methane]	111-91-1	ND	==	ND	2400
2,4-Dichlorophenol	120-83-2	ND	==	ND	2400
2,6-Dichlorophenol	87-65-0	ND	==	ND	2400
1,2-Dichloropropane	78-87-5	ND	==	ND	39
[Propylene dichloride]					
cis-1,3-Dichloro- propylene	10061-01-5	ND	==	ND	39
trans-1,3-Dichloro- propylene	10061-02-6	ND	==	ND	39
1,3-Dichloro-2- propanol	96-23-1	ND	==	ND	30
Endosulfan I	959-98-8	ND	==	ND	1.4
Endosulfan II	33213-65-9	ND	==	ND	1.4
Endrin	72-20-8	ND	==	ND	1.4
Endrin aldehyde	7421-93-4	ND	==	ND	1.4
Endrin Ketone	53494-70-5	ND	==	ND	1.4
Epichlorohydrin [1- Chloro-2,3-epoxy propane]	106-89-8	ND	==	ND	30

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Ethylidene dichloride [1,1-Dichloroethane]	75-34-3	ND	--	ND	39
2-Fluoroacetamide	640-19-7	ND	--	ND	100
Heptachlor	76-44-8	ND	--	ND	1.4
Heptachlor epoxide	1024-57-3	ND	--	ND	2.8
Hexachlorobenzene	118-74-1	ND	--	ND	2400
Hexachloro-1,3-butadiene [Hexachlorobutadiene]	87-68-3	ND	--	ND	2400
Hexachlorocyclopentadiene	77-47-4	ND	--	ND	2400
Hexachloroethane	67-72-1	ND	--	ND	2400
Hexachlorophene	70-30-4	ND	--	ND	59000
Hexachloropropene	1888-71-7	ND	--	ND	2400
[Hexachloropropylene]					
Isodrin	465-73-6	ND	--	ND	2400
Kepone [Chlordane]	143-50-0	ND	--	ND	4700
Lindane [gamma-Hexachlorocyclohexane] [gamma-BHC]	58-89-9	ND	--	ND	1.4
Methylene chloride	75-09-2	ND	--	ND	39
[Dichloromethane]					
4,4'-methylene-bis(2-chloroaniline)	101-14-4	ND	--	ND	100
Methyl iodide [Iodo-methane]	74-88-4	ND	--	ND	39
Pentachlorobenzene	608-93-5	ND	--	ND	2400
Pentachloroethane	76-01-7	ND	--	ND	39
Pentachloronitrobenzene [PCNB]	82-66-8	ND	--	ND	2400
[Quintobenzene]					
[Quintozene]					
Pentachlorophenol	87-86-5	ND	--	ND	2400
Pronamide	23950-58-5	ND	--	ND	2400
Silvex [2,4,5-Trichlorophenoxypropionic acid]	93-72-1	ND	--	ND	7.0

2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1746-01-6	ND	--	ND	30
1,2,4,5-Tetrachlorobenzene	95-94-3	ND	--	ND	2400
1,1,2,2-Tetrachloroethane	79-34-5	ND	--	ND	39
Tetrachloroethylene [Perchloroethylene]	127-18-4	ND	--	ND	39
2,3,4,6-Tetrachlorophenol	58-90-2	ND	--	ND	2400
1,2,4-Trichlorobenzene	120-82-1	ND	--	ND	2400
1,1,1-Trichloroethane [Methyl chloroform]	71-55-6	ND	--	ND	39
1,1,2-Trichloroethane [Vinyl trichloride]	79-00-5	ND	--	ND	39
Trichloroethylene	79-01-6	ND	--	ND	39
Trichlorofluoromethane [Trichloromonofluoromethane]	75-69-4	ND	--	ND	39
2,4,5-Trichlorophenol	95-95-4	ND	--	ND	2400
2,4,6-Trichlorophenol	88-06-2	ND	--	ND	2400
1,2,3-Trichloropropane	96-18-4	ND	--	ND	39
Vinyl Chloride	75-01-4	ND	--	ND	39

NA means not applicable.

ND means nondetect.

Note 1: 25 mg/kg at 10,000 Btu/lb as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- 3) Section Numbers:

725.101 Amendment
725.440 Amendment
725.980 Amendment
725.984 Amendment
725.987 Amendment

- 4) Statutory authority: 415 ILCS 5/7-2, 22.4, and 27

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13
Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period.

64 Fed. Reg. 36466
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste

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regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 63209
(November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414 40 CFR 136 amendments
(December 30, 1999)

Specifically, the amendments to Part 725 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The amendments also make a number of corrections requested by the Joint Committee on Administrative Rules (JCAR).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? Yes.
The existing text of Part 725 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground

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injection control regulations. The present amendments include, at Section 725.440(b)(1), the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111. The format of some incorporations was corrected in this action, and numerous other incorporations remain unaffected by the present amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by Federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation

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of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope, and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
725.118 Location Standards
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan

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Amendment of Contingency Plan

Emergency Coordinator

Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

725.154 Section
725.170 Applicability
725.171 Use of Manifest System
725.172 Manifest Discrepancies
725.173 Operating Record
725.174 Availability, Retention and Disposition of Records
725.175 Annual Report
725.176 Unmanifested Waste Report
725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section
725.190 Applicability
725.191 Groundwater Monitoring System
725.192 Sampling and Analysis
725.193 Preparation, Evaluation and Response
725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
725.210 Applicability
725.211 Closure Performance Standard
725.212 Closure Plan; Amendment of Plan
725.213 Closure; Time Allowed for Closure
725.214 Disposal or Decontamination of Equipment, Structures and Soils
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-closure Care and Use of Property
725.218 Post-Closure Care Plan; Amendment of Plan
725.219 Post-Closure Notices
725.220 Certification of Completion of Post-Closure Care
725.221 Alternative Post-Closure Care Requirements

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart
725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure

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725-244 Cost Estimate for Post-closure Care
 725-245 Financial Assurance for Post-closure Monitoring and Maintenance
 725-246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
 725-247 Liability Requirements
 725-248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
 725-251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
 725-270 Applicability
 725-271 Condition of Containers
 725-272 Compatibility of Waste with Container
 725-273 Management of Containers
 725-274 Inspections
 725-276 Special Requirements for Ignitable or Reactive Waste
 725-277 Special Requirements for Incompatible Wastes
 725-278 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
 725-290 Applicability
 725-291 Assessment of Existing Tank System's Integrity
 725-292 Design and Installation of New Tank Systems or Components
 725-293 Containment and Detection of Releases
 725-294 General Operating Requirements
 725-295 Inspections
 725-296 Response to leaks or spills and disposition of Tank Systems
 725-297 Closure and Post-Closure Care
 725-298 Special Requirements for Ignitable or Reactive Waste
 725-299 Special Requirements for Incompatible Wastes
 725-300 Waste Analysis and Trial Tests
 725-301 Generators of 100 to 1000 kilogram of Hazardous Waste Per Month
 725-302 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section
 725-320 Applicability
 725-321 Design and Operating Requirements
 725-322 Action Leakage Rate
 725-323 Response Actions
 725-324 Containment System
 725-325 Waste Analysis and Trial Tests
 725-326 Monitoring and Inspections

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725-328 Closure and Post-closure Care
 725-329 Special Requirements for Ignitable or Reactive Waste
 725-330 Special Requirements for Incompatible Wastes
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APPENDIX C

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APPENDIX D

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APPENDIX E

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APPENDIX F

Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 24, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-39, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 5681, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078,

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effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUN means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et

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seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434; 33 USC 1401);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this Section.

- 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;

- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704. Subpart F.

- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;

- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726. Subparts C, F, G, or H or 35 Ill. Adm. Code 739;

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;

- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;

- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728. Table T or reactive

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(D003) waste in order to remove the characteristic before land disposal, the owner or operator shall comply with the requirements set out in Section 725.117(b);

- 11) Immediate response:

A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of a hazardous waste;

- iii) A discharge of a material that becomes a hazardous waste when discharged; or

- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

- B) An owner or operator of a facility otherwise regulated by this Part shall comply with all applicable requirements of 725-Subparts C and D of this Part.

- C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;

- D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of response, the responsible persons responding, the type and description of material addressed, and its disposition;

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

- 13) The addition of absorbent material to waste in a container (as

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defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with.

- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
- Batteries, as described in 35 Ill. Adm. Code 733.102;
 - Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - Thermostats, as described in 35 Ill. Adm. Code 733.104 and

D) Lamps, Mercury-containing lamps as described in 35 Ill. Adm. Code 733.105 733.107.

BOARD NOTE:--Subsection (c)(14)(B) of this Section was added pursuant to Section 28-236 of the Act--(415--iR6S--5/22-236) (see P-A-99-5027-effective August-197-1997--

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:

- The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
 - The waste is stored in tanks or containers;
 - The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725-Subpart I of this Part;
 - The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.454; or
 - The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the

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provisions of those other regulations.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART O: INCINERATORS

Section 725.440 Applicability

- a) The regulations in this Subpart apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.

- b) Integration of the MACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(i) and 63.1210(d), documenting compliance with the requirements of 40 CFR 63, Subpart EEE.

- 2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

- c) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this Subpart, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in 35 Ill. Adm. Code 721-Appendix H, and such documentation is retained at the facility, if the waste to be burned is:

- Listed as a hazardous waste in 35 Ill. Adm. Code 721-Subpart D, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- Listed as a hazardous waste in 35 Ill. Adm. Code 721-Subpart D, solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
- A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721-Subpart C; or

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- 4) A hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123 (a)(1), (2), (3), (6), (7) or (8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.990 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to Subpart I, J, or K of this Part except, as Section 725.101 and subsection (b) of this Section provide otherwise.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or State ~~state~~ authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act of 1982 (42 USC 10101 et seq.).
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for

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which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).

- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.
- c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:
 - 1) The requirements of 35 Ill. Adm. Code 724.Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.
 - d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
 - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
 - 2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.
 - 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or

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containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).

2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.

3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately

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representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the

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hazardous waste represented by the samples.

- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least

mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 X 10⁻⁶ atmospheres/gram-mole/m(3)) at 25° C (77° F). Each of the analytical methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1c24, or 1c25 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value that would have been obtained, had the waste samples been measured using Method 25D. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{im}25D)). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f_{im}50J) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC

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- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

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D) Calculations.

- i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \sum_{i=1}^n X_i \quad Q(i) \times CM(i)$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

i = Individual waste determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).

$Q(i)$ = Mass quantity of the hazardous waste stream represented by C(i), in kg/hr.

$Q(T)$ = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.

$C(i)$ = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.

- ii) For the purpose of determining C(i), for individual waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to

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E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

- F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmosphere/gram-mole/m³) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of

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the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor ((f_{m25D})).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C) of this Section.

b) Waste determination procedures for treated hazardous waste.

1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission

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controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.

3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste

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determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste

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determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least

0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10⁻⁶ atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value that would have been obtained, had the waste samples been analyzed using Method 25D. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f(m25D)). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f(m25D)) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by

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reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.

iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.

ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations. The average VO concentration \bar{C} on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{n} \sum_{i=1}^n [Q(i) \times C(i)]$$

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$Q(T)$ $i=1$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed 1 year).

$Q(i)$ = Mass quantity of the hazardous waste stream represented by C(i), in kg/hr.

$Q(T)$ = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

$C(i)$ = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii) of this Section), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance must be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit (C(t)) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit (C(t)) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO

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concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit (C(t)) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^m (Q[x] \times \bar{C}[x]) + \sum_{y=1}^n (Q[y] \times 500 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

C(t) = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

Q[x] = Annual mass quantity of hazardous waste stream "x", in kg/yr.

Q[y] = Annual mass quantity of hazardous waste stream "y", in kg/yr.

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C[x] = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q(b)) and the mass quantity of each hazardous waste stream exiting the process (Q(a)) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C(b)) during the run must be determined in accordance with the requirements of subsection (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C(a)) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.

D) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the process (E(a)) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m (Q[b,j] \times \bar{C}[b,j])$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m (Q[a,j] \times \bar{C}[a,j])$$

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Where:

E(a) = Waste volatile organic mass flow exiting the process, in kg/hr.

E(b) = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q(bj) = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q(aj) = Average mass quantity of waste exiting the process during run "j", in kg/hr.

$\overline{C(aj)}$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection(b)(3) of this Section, in ppmw.

$\overline{C(bj)}$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (b)(3) of this Section, in ppmw.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following equation:

$$R = \frac{E(b) - E(a)}{E(b)} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

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E(b) = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E(a) = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

6) Procedure to determine the organic biodegradation efficiency (R(bio)) for a treated hazardous waste.

A) The fraction of organics biodegraded (F(bio)) must be determined using the procedure specified in 40 CFR 63, appendix Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R(bio)) must be calculated by using the following equation:

$$R(bio) = F(bio) \times 100\%$$

Where

R(bio) = Organic biodegradation efficiency, in percent.

F(bio) = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section.

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the

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hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^n \left[\frac{V[y] \times k[y] \times \bar{C}[y] - 500 \text{ppmw}}{10(6)} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3).

$\bar{C}[y]$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

- A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the

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- C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- A) The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- C) The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, appendix Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section, respectively, and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

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MR(bio) = Actual organic mass biodegradation rate, in kg/hr.

E(b) = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

F(bio) = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.
- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using "Tank Level 1" controls in accordance with standards specified in Section 725.985(c).
 - 2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.
 - 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum

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organic vapor pressure of the hazardous waste:

i) Method 25E in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or

v) Any other method approved by the Agency.

- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart is as follows:

- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste

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placed in the waste management unit, not for each individual organic constituent.

- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 5) Calibration gases must be as follows:

- A) Zero air (less than 10 ppmv hydrocarbon in air), and
B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

- 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 725.987 Standards: Containers

- a) The provisions of this Section apply to the control of air pollutant

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emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.

- b) General requirements.

- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

- A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
- B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

- C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

- c) Container Level 1 standards.

- 1) A container using Container Level 1 controls is one of the following:

- A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
- B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

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C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as

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follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the

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container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

- C) When a defect is detected in the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If

repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater, which do not meet applicable USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

- d) Container Level 2 standards.
- 1) A container using Container Level 2 controls is one of the following:

- A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

- B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

- C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste into or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- 1) In the case when the container is filled to the

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intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall

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cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and

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8700-228), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

- 2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification

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procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

- B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

- 4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

- 5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

- 6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation as follows:

- 1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and

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49 CFR 180, "Containing Qualification and Maintenance of Packages", each incorporated by reference in 35 Ill. Adm. Code 720.111.

- 3) for the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
- 4) for a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.
- g) To determine compliance with the no detectable organic emissions requirements of subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

- h) The procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section is as follows:

- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Heading of the Part: Land Disposal Restrictions

Code citation: 35 Ill. Adm. Code 728

Section Numbers:	Proposed Action:
728.101	Amend
728.102	Amend
728.107	Amend
728.109	Amend
728.140	Amend
728.149	Amend
728.149	Amend
728.149	Amend

Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13	Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.
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The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466 (July 6, 1999)	USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.
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64 Fed. Reg. 52828 (September 30, 1999)
USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

64 Fed. Reg. 56469 (October 20, 1999)
USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 63209 (November 19, 1999)
USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414 (December 30, 1999)
40 CFR 136 amendments.

Specifically, the amendments to Part 728 implement segments of the federal July 6, 1999 designation of lamps as universal waste, and the October 20, 1999 corrections to the Phase IV LDRs.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.
The existing text of Part 728 includes incorporations by reference. 35

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Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Section 728.140(i), an update to the version of 40 CFR 268.41 incorporated by reference in 35 Ill. Adm. Code 720.111. Numerous other incorporations remain unaffected by the present amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive

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reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

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728.113	Newly Listed Wastes
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SUBPART C: PROHIBITION ON LAND DISPOSAL

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728.133	Waste -- Specific Prohibitions -- Organobromine Wastes
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728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 Adjustment of Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HMR
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SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B Treatment Standards (As Concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C List of Halogenated Organic Compounds (Repealed)
APPENDIX D Wastes Excluded from Lab Packs
APPENDIX E Organic Lab Packs (Repealed)
APPENDIX F Technologies to Achieve Deactivation of Characteristics
APPENDIX G Federal Effective Dates
APPENDIX H National Capacity LDR Variances for UIC Wastes
APPENDIX I EP Toxicity Test Method and Structural Integrity Test
APPENDIX J Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K Metal Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A Constituent Concentrations in Waste Extract (CCWE)
TABLE B Constituent Concentrations in Wastes (CCW)
TABLE C Technology Codes and Description of Technology-Based Standards
TABLE D Technology-Based Standards by RCRA Waste Code
TABLE E Standards for Radioactive Mixed Waste
TABLE F Alternative Treatment Standards for Hazardous Debris
TABLE G Alternative Treatment Standards Based on HWTR
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TABLE I Generator Paperwork Requirements
TABLE J Treatment Standards for Hazardous Wastes
TABLE U Universal Treatment Standards (UTS)

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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ICs 5/7.2, 22.4 and 27).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9640, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 17706, effective September 28, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective January 19, 1999; amended in R99-23 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste:
 - A) Is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

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- B) Does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C at the point of injection.
- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEXT in Section 728.140 or is D003 reactive cyanide:
- A) Any of the following is true of either treatment or management of the waste:
- i) The waste is managed in a treatment system which subsequently discharges to waters of the United States 9-8r pursuant to a permit issued under 35 Ill. Adm. Code 309; or
 - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
 - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
- B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601-9605 et seq.).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Waste generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
 - 2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
 - 3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; or
 - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks from process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinseate from empty containers or from containers that are rendered empty by that

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- rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility, or
- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.
- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Thermosets, as described in 35 Ill. Adm. Code 733.104; and
 - 4) Lamps Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.105 733.107.
- BOARB-NOTE:--Subsection (f)(4) of this Section was added pursuant to--Section--22-23a--of--the--Act--(415--it66-5/28-23a)--(see P-A-99-502--effective-August-19-1997)--
- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act [45 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 728.102 Definitions

When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C of this Part.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Appendix K of this Part.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and "land disposal" includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation,

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underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other states States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the United States U-S- Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Table U of this Part, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1 percent by weight total organic carbon (TOC) and less than 1 percent by weight total suspended solids (TSS).

(Source: Amended at 24 Ill. Reg. _____, effective _____,

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Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for generators:

1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the wastes extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have

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examined this contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728-Subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I.

C) If the waste changes, the generator shall send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to,

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case-by-case extensions under Section 728.1105, disposal in a no-migration unit under Section 728.1106, or a national capacity variance or case-by-case capacity variance under Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 728.1134 to meet applicable IDR treatment standards found at Section 728.1140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the

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CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.1142(c), the generator shall fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728.1142(c) and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.1142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

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- C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(1)) need not be determined.
- D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

- b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted FSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCUP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111 to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the requirements indicated in the following table:

Treatment Facility Paperwork Requirements Table	
Required information	Section 728.107(b)

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1. USEPA hazardous waste number and manifest number of first shipment. X
2. The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice. X
3. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide). X
4. Waste analysis data (when available). X
5. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c). X
6. A certification is needed (see applicable Section for exact wording).
- 4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment

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standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728.140(d). I have been unable to detect the nonwastewater organic

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constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. The decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Sections 728.148 and Table U of this Part universal treatment standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part ~~universal-treatment~~ standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a

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different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(43) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(44) of this Section and a notice that includes the information listed in subsection (b)(43) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
- 2) Test the waste, or an extract of the waste or treatment residue developed, using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.1117, to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the

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owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:

- A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
- B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
- C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Table F of this Part used to treat the debris.

- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

- 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Table F of this Part as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDRs, as provided in Section 728.149(a),

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no longer exhibits a characteristic of hazardous waste shall do the following:

- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
- 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonhazardous waste treated by CMBSST, RORGS, or POLXM of Section 728.Table C), the generator shall determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.
- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) of this Section. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating

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the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

- 1) The notification must include the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
 - B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability group(s) group(s), and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728.Table U for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 736.101(d), the following information must also be included:
 - A) A description of the pollution prevention mechanism and when it was implemented, if already complete;
 - B) The mass of each underlying hazardous constituent before pollution prevention;
 - C) The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
 - D) The mass reduction of each underlying hazardous constituent that is achieved.
- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.Table D must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.
- f) For a decharacterized waste managed on-site in a wastewater treatment

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system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.

- g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Table. For each waste, Table T of this Part identifies one of three types of treatment standard requirements:

1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T of this Part for that waste ("total waste standards");

2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T of this Part ("waste extract standards"); or

3) The waste must be treated using the technology specified in Table T of this Part ("technology standard"), which is described in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards".

- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

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- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the following conditions are satisfied:

1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;

2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and

3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.

- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102.

- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

- g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.

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b) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

1) Zinc micronutrient fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to applicable treatment standards set forth in 40 CFR 268.41 (1999) (4999), incorporated by reference in 35 Ill. Adm. Code 720.111(b). BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.

j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U995 may be satisfied by either meeting the constituent concentrations presented in Table T of this Part, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code of CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code B10DG; carbon adsorption, as defined by the technology code CAREN; chemical oxidation, as defined by the technology code CHOX; or combustion, as defined as technology code CMBST at Table C, for wastewaters.

BOARD NOTE: USEPA added--a--second 40 CFR 268.40(i) at 63 Fed. Reg. 46415 (Sep. 4, 1998) to indefinitely extend the alternative treatment standards for seven carbamate wastes--the Board has incorporated this later adopted duplicate subsection--(i) as subsection--(j)--

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
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Applied to the listed waste when it contaminated the soil.	to Apply to the listed waste now.	-	Must comply with LDRs.
--	-----------------------------------	---	------------------------

Did not apply to the listed waste when it contaminated the soil.	to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	is Must comply with LDRs.
--	--------------------------	--	---------------------------

Did not apply to the listed waste when it contaminated the soil.	to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.
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Did not apply to the listed waste when it contaminated the soil.	Do not apply to the listed waste now.	-	Needs not comply with LDRs.
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* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

1) All soils. Prior to land disposal, all constituents subject to

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treatment must be treated as follows:

- A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
- B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.
- C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.
- 2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.
- 3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:
 - A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or
 - B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.
- d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part. Universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.
- e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:
 - 1) Soil residuals are subject to the treatment standards of this

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- 2) Non-soil residuals are subject to the following requirements:
 - A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
 - B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)	
D001(9)	Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1)			
NA	High TOC Subcategory.	NA	DEACT and meet Section 728.148 standards (8); (9) or CBST	DEACT and meet Section 728.148 standards (8); (9) or CBST
D001(9)	High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8); (9) or CBST	DEACT and meet Section 728.148 standards (8); (9) or CBST
D002(9)	Corrosive Characteristic Wastes.	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
NA	Corrosivity (pH)	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
NA	Arsenic	7440-38-2	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)

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Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)	
D003(9)	Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).	NA	DEACT	DEACT
NA	Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D003(9)	Unexploded ordnance and other explosive devices that have been the subject of an emergency response.	NA	DEACT	DEACT
NA	Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D003(9)	Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
NA	(Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D003(9)	Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
NA	Cyanides (Total)(7) 57-12-5	57-12-5	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D004(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)

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for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Arsenic 7440-38-2 1.4 and meet Section 728.148 standards(8) 5.0 mg/l TCLP and meet Section 728.148 standards(8)

D005(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium 7440-39-3 1.2 and meet Section 728.148 standards(8) 21 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium 7440-43-9 0.69 and meet Section 728.148 standards(8) .11 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)

Cadmium 7440-43-9 NA RTHRM

D007(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total) 7440-47-3 2.77 and meet Section 728.148 standards(8) 0.60 mg/l TCLP and meet Section 728.148 standards(8)

D008(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead 7439-92-1 0.69 and meet Section 728.148 standards(8) 0.75 mg/l TCLP and meet Section 728.148 standards(8)

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standards(8)

D008(9) Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA RLEAD

D009(9) Radioactive Lead Solids Subcategory (Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA MACRO

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury 7439-97-6 NA IMERC; or RMERC

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA RMERC

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury 7439-97-6 NA 0.20 mg/l TCLP and meet Section

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D009(9) All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards(8)	728.148 standards (8)
D009(9) Mercury	7439-97-6	0.15 and meet Section 728.148 standards(8)	NA	
D009(9) Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	AMLCM	
D009(9) Mercury	7439-97-6	NA	IMERC	
D009(9) Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA		
D010(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	7782-49-2	0.82	5.7 mg/l TCLP and meet Section 728.148 standards(8)	
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	7440-22-4	0.43	0.14 mg/l TCLP and meet Section 728.148 standards(8)	

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D012(9) Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)	
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)	
D013(9) Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311.	319-84-6	CARBW; or CMBST	0.066 and meet Section 728.148 standards(8)	
alpha-BHC				
beta-BHC	319-85-7	CARBW; or CMBST	0.066 and meet Section 728.148 standards(8)	
delta-BHC	319-86-8	CARBW; or CMBST	0.066 and meet Section 728.148 standards(8)	
gamma-BHC (Lindane)	58-89-9	CARBW; or CMBST	0.066 and meet Section 728.148 standards(8)	
D014(9) Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards(8)	
Methoxychlor				
D015(9) Wastes that are TC for Toxaphene based on the toxicity characteristic leaching				

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- Procedure (TCCLP) in SW-846 Method 1311.
Toxaphene 8001-35-2 BIODG or CMBS
2.6 and meet Section 728.148 standards(8)
- D016(9)
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
2,4-D (2,4-Dichloro-94-75-7 CHOXD; or BIODG; or CMBS
10 and meet Section 728.148 standards(8)
- D017(9)
Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
2,4,5-TP (Silvex) 93-72-1 CHOXD or CMBS
7.9 and meet Section 728.148 standards(8)
- D018(9)
Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Benzene 71-43-2
0.14 and meet Section 728.148 standards(8)
- D019(9)
Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Carbon tetrachloride 56-23-5
0.057 and meet Section 728.148 standards(8)
- D020(9)
Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Chlordane (alpha and gamma isomers) 57-74-9
0.0033 and meet Section 728.148 standards(8)

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- Section 728.148 standards(8)
- D021(9)
Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Chlorobenzene 108-90-7
0.057 and meet Section 728.148 standards(8)
- D022(9)
Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Chloroform 67-66-3
0.046 and meet Section 728.148 standards(8)
- D023(9)
Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
o-Cresol 95-48-7
0.11 and meet Section 728.148 standards(8)
- D024(9)
Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
m-Cresol 108-39-4
0.77 and meet Section 728.148 standards(8)
- D025(9)
Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
p-Cresol 106-44-5
0.77 and meet Section 728.148 standards(8)

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D026(9)
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Cresol fixed isomers 1319-77-3 0.88
(Cresylic acid) and meet
(sum of o-, m-, and p- Section
cresol concentrations) 728.148
standards(8)

D027(9)
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
p-Dichlorobenzene (1,4- 106-46-7 0.090
Dichlorobenzene) and meet
Section
728.148
standards(8)

D028(9)
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,2-Dichloroethane 107-06-2 0.21
and meet
Section
728.148
standards(8)

D029(9)
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,1-Dichloroethylene 75-35-4 0.025
and meet
Section
728.148
standards(8)

D030(9)
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4-Dinitrotoluene 121-14-2 0.32
and meet
Section
728.148
standards(8)

D031(9)
Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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Heptachlor 76-44-8 0.0012 and
meet Section
728.148
standards(8)
Heptachlor epoxide 1024-57-3 0.016
and meet
Section
728.148
standards(8)

D032(9)
Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobenzene 118-74-1 0.055
and meet
Section
728.148
standards(8)

D033(9)
Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobutadiene 87-68-3 0.055
and meet
Section
728.148
standards(8)

D034(9)
Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachloroethane 67-72-1 0.055
and meet
Section
728.148
standards(8)

D035(9)
Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Methyl ethyl ketone 78-93-3 0.28
and meet
Section
728.148
standards(8)

D036(9)
Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9) Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine	110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9) Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section	7.4 and meet Section

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D042(9)	Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)	728.148 standards(8)
D043(9)	Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)	728.148 standards(8)
F001, F002, F003, F004, & F005	F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	67-64-1 0.28 Benzene 71-43-2 0.14 n-Butyl alcohol 71-36-3 5.6 Carbon disulfide 75-15-0 3.8 Carbon tetrachloride 56-23-5 0.057 Chlorobenzene 108-90-7 0.057 o-Cresol 95-48-7 0.11 m-Cresol 108-39-4 0.77	160 1.0 2.6 NA 6.0 6.0 5.6 5.6		
	(difficult to distinguish from p-cresol) p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	

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Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2	
Cyclohexanone	108-94-1	0.36	NA	
o-Dichlorobenzene	95-50-1	0.088	6.0	
Ethyl acetate	141-78-6	0.34	33	
Ethyl benzene	100-41-4	0.057	10	
Ethyl ether	60-29-7	0.12	160	
Isobutyl alcohol	78-83-1	5.6	170	
Methanol	67-56-1	5.6	NA	
Methylene chloride	75-9-2	0.089	30	
Methyl ethyl ketone	78-93-3	0.28	36	
Methyl isobutyl ketone	108-10-1	0.14	33	
Nitrobenzene	98-95-3	0.068	14	
Pyridine	110-96-1	0.014	16	
Tetrafluoroethylene	127-18-4	0.056	6.0	
Toluene	108-88-3	0.080	10	
1,1,1-Trichloroethane	71-55-6	0.054	6.0	
1,1,2-Trichloroethane	79-00-5	0.054	6.0	
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30	
Trichloroethylene	79-01-6	0.054	6.0	
Trichloromonofluoromethane	75-69-4	0.020	30	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
F001, F002, F003, F004 & F005				
F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))				
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP	
Methanol	67-56-1	5.6	0.75 mg/l TCLP	
F001, F002, F003, F004 & F005				
F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvents.				
2-Nitropropane	79-46-9	(WEROX or CHOXD) fb	CMBST	
		CARBEN; or CMBST		
F001, F002, F003, F004 & F005				
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through				

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F005 solvent.				
2-Ethoxyethanol	110-80-5	BIDG; or CMBST		
F006				
Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segrated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.				
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP	
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	30	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
Nickel	7440-02-0	3.98	11 mg/l TCLP	
Silver	7440-22-4	NA	0.14 mg/l TCLP	
F007				
Spent cyanide plating bath solutions from electroplating operations.				
Cadmium	7440-43-9	NA	0.11 mg/l TCLP	
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	30	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
Nickel	7440-02-0	3.98	11 mg/l TCLP	
Silver	7440-22-4	NA	0.14 mg/l TCLP	
F008				
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.				
Cadmium	7440-43-9	NA	0.11 mg/l TCLP	
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	30	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
Nickel	7440-02-0	3.98	11 mg/l TCLP	
Silver	7440-22-4	NA	0.14 mg/l TCLP	
F009				
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.				
Cadmium	7440-43-9	NA	0.11 mg/l TCLP	
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	30	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
Nickel	7440-02-0	3.98	11 mg/l TCLP	
Silver	7440-22-4	NA	0.14 mg/l TCLP	

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Nickel Silver	7440-02-0	3.98	11 mg/l TCLP
	7440-22-4	NA	0.14 mg/l TCLP

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA

F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
	7440-47-3	2.77	0.60 mg/l TCLP
Chromium (Total)	7440-47-3	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Cyanides (Amenable)(7)	57-12-5	0.69	0.75 mg/l TCLP
Lead	7439-92-1	3.98	11 mg/l TCLP
Nickel	7440-02-0	NA	0.14 mg/l TCLP
Silver	7440-22-4	NA	

F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
	7440-47-3	2.77	0.60 mg/l TCLP
Chromium (Total)	7440-47-3	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Cyanides (Amenable)(7)	57-12-5	0.69	0.75 mg/l TCLP
Lead	7439-92-1	3.98	11 mg/l TCLP
Nickel	7440-02-0	NA	0.14 mg/l TCLP
Silver	7440-22-4	NA	

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
	57-12-5	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Cyanides (Amenable)(7)	57-12-5		

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except

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wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Penta-chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST(11)	CMBST(11)
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
cis-1,3-Dichloropropylene	78-87-5	0.85	18
trans-1,3-Dichloropropylene	10061-01-5	0.036	18
bis(2-ethylhexyl)-phthalate	10061-02-6	0.036	18
Hexachloroethane	117-81-7	0.28	28
	67-72-1	0.055	30

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Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
F025			
Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5-6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophenols synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HCDFs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PCDFs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001

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dibenzofurans)	87-86-5	0.089	7.4
Pentachlorophenol	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	95-95-4	0.18	7.4
2,4,5-Trichlorophenol	88-06-2	0.035	7.4
2,4,6-Trichlorophenol	58-90-2	0.030	7.4
2,3,4,6-Tetrachlorophenol			
F028			
Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.			
HCDFs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PCDFs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDFs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthra-			

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cene	56-55-3	0.059	3.4		2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Benzo(b)fluor- anthene	205-99-2	0.11	6.8		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
(difficult to distinguish from benzo(k)- fluoranthene)					Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Benzo(k)fluor- anthene	207-08-9	0.11	6.8		F034			
(difficult to distinguish from benzo(b)- fluoranthene)					Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Benzo(a)py-					Acenaphthene	83-32-9	0.059	3.4
rene	50-32-8	0.061	3.4		Anthracene	120-12-7	0.059	3.4
Chrysene	218-01-9	0.059	3.4		Benzo(a)anth-			
Dibenz(a,h)- anthracene	53-70-3	0.055	8.2		racene	56-55-3	0.059	3.4
2-4-Dimethyl					Benzo(b)fluor-			
phenol	105-67-9	0.036	14		(difficult to			
Fluorene	86-73-7	0.059	3.4		distinguish			
Hexachlorodibenzo-					from benzo(k)-			
p-dioxins	NA	0.00063 or	0.001 or		fluoranthene)			
		CMBS(11)	CMBS(11)		Benzo(k)fluor-			
Hexachloro-					anthene			
dibenzofur-	NA	0.00063 or	0.001 or		(difficult to			
ans		CMBS(11)	CMBS(11)		distinguish			
Indeno (1,2,3-					from benzo(b)-			
c,d) pyrene	193-39-5	0.0055	3.4		fluoranthene)			
Naphthalene	91-20-3	0.059	5.6		Benzo(a)-			
Pentachloro-					pyrene			
dibenzo-p-	NA	0.00063 or	0.001 or		Chrysene	50-32-8	0.061	3.4
dioxins		CMBS(11)	CMBS(11)		Dibenz(a,h)-	218-01-9	0.059	3.4
Pentachloro-	NA	0.00035 or	0.001 or		anthracene	53-70-3	0.055	8.2
dibenzofurans		CMBS(11)	CMBS(11)		Fluorene	86-73-7	0.059	3.4
Pentachloro-					Indeno (1,2,3-			
phenol	87-86-5	0.089	7.4		c,d) pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6		Naphthalene	91-20-3	0.059	5.6
phenol	108-95-2	0.039	6.2		Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2		Pyrene	129-00-0	0.067	8.2
Tetrachloro-					Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
dibenzo-p-	NA	0.00063 or	0.001 or		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
dioxins		CMBS(11)	CMBS(11)		F035			
Tetrachloro-					Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include			
dibenzo-	NA	0.00063 or	0.001 or					
furans		CMBS(11)	CMBS(11)					
2,3,4,6-Tetra								
chlorophenol	58-90-2	0.030	7.4					

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R001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresosote or pentachlorophenol.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene 83-32-9 0.059 NA
Anthracene 120-12-7 0.059 3.4
Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

Chrysene 218-01-9 0.059 3.4
Di-n-butyl phthalate 84-74-2 0.057 28
Ethylbenzene 100-41-4 0.057 10
Fluorene 86-73-7 0.059 NA
Naphthalene 91-20-3 0.059 5.6
Phenanthrene 85-01-8 0.059 5.6
Phenol 108-95-2 0.039 6.2
Pyrene 129-00-0 0.067 8.2
Toluene 108-88-3 0.080 10
Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of O-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590
Lead 7439-92-1 0.69 NA
Nickel 7440-02-0 NA 11 mg/l TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated

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in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene 71-43-2 0.14 10
Benzo(a)pyrene 50-32-8 0.061 3.4
bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

Chrysene 218-01-9 0.059 3.4
Di-n-butyl phthalate 84-74-2 0.057 28
Ethylbenzene 100-41-4 0.057 10
Fluorene 86-73-7 0.059 NA
Naphthalene 91-20-3 0.059 5.6
Phenanthrene 85-01-8 0.059 5.6
Phenol 108-95-2 0.039 6.2
Pyrene 129-00-0 0.067 8.2
Toluene 108-88-3 0.080 10
Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of O-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590
Lead 7439-92-1 0.69 NA
Nickel 7440-02-0 NA 11 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.)

Acenaphthylene 208-96-8 0.059 3.4
Acenaphthene 83-32-9 0.059 3.4
Acetone 67-64-1 0.28 160
Acetonitrile 75-05-8 5.6 NA
Acetophenone 96-86-2 0.010 9.7
2-Acetylaminofluorene 93-96-3 0.059 140
Acrolein 107-02-8 0.29 NA
Acrylonitrile 107-13-1 0.24 84
Aldrin 309-00-2 0.021 0.066
4-Aminobiphenyl 92-67-1 0.13 NA
Aniline 62-53-3 0.81 14

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Anthracene	120-12-7	0.059	3.4
Aranite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroethane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	78-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7

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3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Propane	106-93-4	0.028	15
Ethylene dibromide (1,2-Dibromomethane)	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
p,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
p,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
p,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
p-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
ethylene	120-83-2	0.044	14
2,4-Dichlorophenol	87-65-0	0.044	14
2,6-Dichlorophenol	78-87-5	0.85	18
1,2-Dichloropropane	10061-01-5	0.036	18
cis-1,3-Dichloropropylene			
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Diethylin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28

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1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4

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Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isosafrole	465-73-6	0.021	0.066
Kepon	120-58-1	0.081	2.6
Methacrylonitrile	143-50-8	0.0011	0.13
Methanol	126-98-7	0.24	84
Methoxychlor	67-56-1	5.6	NA
Methoxyphenol	91-80-5	0.081	1.5
3-Methyltolanthrene	72-43-5	0.25	0.18
4,4-Methylene bis(2-chloroaniline)	56-49-5	0.0055	15
Methylene chloride	75-09-2	0.089	30
Methyl isobutyl ketone	78-93-3	0.28	36
Methyl methacrylate	108-10-1	0.14	33
Methyl methanesulfonate	80-62-6	0.14	160
Methyl parathion	66-27-3	0.018	NA
Naphthalene	298-00-0	0.014	4.6
p-Nitroaniline	91-20-3	0.059	5.6
2-Nitroaniline	91-59-8	0.52	NA
Nitrobenzene	98-95-3	0.028	28
5-Nitro-o-toluidine	100-01-6	0.068	14
p-Nitrophenol	99-55-8	0.32	28
p-Nitrosodiethylamine	100-02-7	0.12	29
N-Nitrosodimethylamine	55-18-5	0.40	28
N-Nitroso-di-n-butyl-amine	62-75-9	0.40	17
N-Nitrosomethyl-amine	924-16-3	0.40	NA
N-Nitrosomethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
chlorodibenzofurans	82-68-8	0.055	4.8
Pentachloronitrobenzene	87-86-5	0.089	7.4
Pentachlorophenol	62-44-2	0.081	16
Phenacetin	85-01-8	0.059	5.6
Phenanthrene	108-95-2	0.039	6.2
Phenol	298-02-2	0.021	4.6

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Phthalic anhydride	85-44-9	0.055	NA
Promamide	2390-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrrole	94-59-7	0.081	22
Silvex (2,4,5-PP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	1.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro-ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro-phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromform (Tribromo-methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro-methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590

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Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8496-25-8	1.4	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use cresosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005			
Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006			

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Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021
Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/l TCLP

K022
Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine	122-39-4	0.92	13
(difficult to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine	86-30-6	0.92	13
(difficult to distinguish from			

POLLUTION CONTROL BOARD

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diphenylamine)			
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

K023
Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024
Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025
Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LEENT Eb SSTRP Eb CARBN; or CMBST	CMBST
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K026
Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST
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K027
Centrifuge and distillation residues from the toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST
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K028
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

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1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

K029

Waste from the product stream stripper in the production of 1,1,1-trichloroethane.			
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.			
o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Tetrachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
By-product salts generated in the production of MSMA and cacodylic acid.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

K031

Wastewater treatment sludge from the production of chlordanes.			
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K032

Still bottoms from toluene reclamation distillation in the production of disulfoton.			
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NOTICE OF PROPOSED AMENDMENTS

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (alpha and gamma isomers)	77-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033			
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordanes.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034			
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordanes.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.			
Disulfoton	298-04-4	0.017	6.2

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K037	Wastewater treatment sludges from the production of disulfoton.				
	Disulfoton	298-04-4	0.017	6.2	
	Toluene	108-88-3	0.080	10	
K038	Wastewater from the washing and stripping of phosphate production.				
	Phosphate	298-02-2	0.021	4.6	
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.				
	NA	CARBN; or	CMBST		
		CMBST			
K040	Wastewater treatment sludge from the production of phosphate.				
	Phosphate	298-02-2	0.021	4.6	
K041	Wastewater treatment sludge from the production of toxaphene.				
	Toxaphene	8001-35-2	0.0095	2.6	

K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.				
	O-Dichlorobenzene	95-50-1	0.088	6.0	
	P-Dichlorobenzene	106-46-7	0.090	6.0	
	Pentachlorobenzene	608-93-5	0.055	10	
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14	
	1,2,4-Trichlorobenzene	120-82-1	0.055	19	
K043	2,6-Dichlorophenol waste from the production of 2,4-D.				
	2,4-Dichlorophenol	120-83-2	0.044	14	
	2,6-Dichlorophenol	187-65-0	0.044	14	
	2,4,5-Trichlorophenol	95-45-4	0.18	7.4	
	2,4,6-Trichlorophenol	88-06-2	0.035	7.4	
	2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4	
	Pentachlorophenol	87-86-5	0.089	7.4	
	Tetrachloroethylene	127-18-4	0.056	6.0	
	HCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001	
	HCDDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001	
	PCDDs (All Pentachloro-	NA	0.000063	0.001	

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	dibenzo-p-dioxins)				
	PCDDs (All Pentachloro-	NA	0.000035	0.001	
	dibenzofurans)	NA	0.000063	0.001	
	TCDDs (All Tetrachloro-	NA	0.000063	0.001	
	dibenzo-p-dioxins)	NA	0.000063	0.001	
	TCDDs (All Tetrachloro-	NA	0.000063	0.001	
	dibenzofurans)	NA	0.000063	0.001	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.				
	NA	NA	DEACT	DEACT	
K045	Spent carbon from the treatment of wastewater containing explosives.				
	NA	NA	DEACT	DEACT	
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.				
	Lead	7439-92-1	0.69	0.75 mg/l TCPL	
K047	Pink or red water from TNT operations.				
	NA	NA	DEACT	DEACT	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.				
	Benzene	71-43-2	0.14	10	
	Benzo(a)pyrene	50-32-8	0.061	3.4	
	bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	
	Chrysene	218-01-9	0.059	3.4	
	Di-n-butyl phthalate	84-74-2	0.057	28	
	Ethylbenzene	100-41-4	0.057	10	
	Fluorene	86-73-7	0.059	NA	
	Naphthalene	91-20-3	0.059	5.6	
	Phenanthrene	85-01-8	0.059	5.6	
	Phenol	108-95-2	0.039	6.2	
	Pyrene	129-00-0	0.067	8.2	
	Toluene	108-88-33	0.080	10	
	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCPL	
	Cyanides (Total)(7)	57-12-5	1.2	590	
	Lead	7439-92-1	0.69	NA	
	Nickel	7440-02-0	NA	11 mg/l TCPL	

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K049	
Stop oil emulsion solids from the petroleum refining industry.	
Anthracene	120-12-7 0.059 3.4
Benzene	71-43-2 0.14 10
Benzo(a)pyrene	50-32-8 0.061 3.4
bis(2-Ethylhexyl) phthalate	117-81-7 0.28 28
Carbon disulfide	75-15-0 3.8 NA
Chrysene	2218-01-9 0.059 3.4
2,4-Dimethylphenol	105-67-9 0.036 NA
Ethylbenzene	100-41-4 0.057 10
Naphthalene	91-20-3 0.059 5.6
Phenanthrene	85-01-8 0.059 5.6
Phenol	108-95-2 0.039 6.2
Pyrene	129-00-0 0.067 8.2
Toluene	108-88-3 0.080 10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7 0.32 30
Cyanides (Total)(7)	57-12-5 1.2 590
Chromium (Total)	7440-47-3 2.77 0.60 mg/1 TCCLP
Lead	7439-92-1 0.69 NA
Nickel	7440-02-0 0.77 11 mg/1 TCCLP
K050	
Heat exchanger bundle cleaning sludge from the petroleum refining industry.	
Benzo(a)pyrene	50-32-8 0.061 3.4
Phenol	108-95-2 0.039 6.2
Cyanides (Total)(7)	57-12-5 1.2 590
Chromium (Total)	7440-47-3 2.77 0.60 mg/1 TCCLP
Lead	7439-92-1 0.69 NA
Nickel	7440-02-0 0.77 11 mg/1 TCCLP
K051	
ARI separator sludge from the petroleum refining industry.	
Acenaphthene	83-32-9 0.059 NA
Anthracene	120-12-7 0.059 3.4
Benzo(a)anthracene	56-55-3 0.059 3.4
Benzene	71-43-2 0.14 10
Benzo(a)pyrene	50-32-8 0.061 3.4
bis(2-Ethylhexyl) phthalate	117-81-7 0.28 28
Chrysene	2218-01-9 0.059 3.4
Di-n-butyl phthalate	105-67-9 0.057 28
Ethylbenzene	100-41-4 0.057 10
Fluorene	86-73-7 0.059 NA
Naphthalene	91-20-3 0.059 5.6
Phenanthrene	85-01-8 0.059 5.6

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Phenol	108-95-2 0.039 6.2
Pyrene	129-00-0 0.067 8.2
Toluene	108-88-3 0.08 10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7 0.32 30
Cyanides (Total)(7)	57-12-5 1.2 590
Chromium (Total)	7440-47-3 2.77 0.60 mg/1 TCCLP
Lead	7439-92-1 0.69 NA
Nickel	7440-02-0 0.77 11 mg/1 TCCLP
K052	
Tank bottoms (lead) from the petroleum refining industry.	
Benzene	71-43-2 0.14 10
Benzo(a)pyrene	50-32-8 0.061 3.4
o-Cresol	95-48-7 0.11 5.6
m-Cresol	108-39-4 0.77 5.6
(difficult to distinguish from p-cresol)	
p-Cresol	106-44-5 0.77 5.6
(difficult to distinguish from m-cresol)	
2,4-Dimethylphenol	105-67-9 0.036 NA
Ethylbenzene	100-41-4 0.057 10
Naphthalene	91-20-3 0.059 5.6
Phenanthrene	85-01-8 0.059 5.6
Phenol	108-95-2 0.039 6.2
Toluene	108-88-3 0.08 10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7 0.32 30
Chromium (Total)	7440-47-3 2.77 0.60 mg/1 TCCLP
Cyanides (Total)(7)	57-12-5 1.2 590
Lead	7439-92-1 0.69 NA
Nickel	7440-02-0 0.77 11 mg/1 TCCLP
K060	
Ammonia still lime sludge from coking operations.	
Benzene	71-43-2 0.14 10
Benzo(a)pyrene	50-32-8 0.061 3.4
Naphthalene	91-20-3 0.059 5.6
Phenol	108-95-2 0.039 6.2
Cyanides (Total)(7)	57-12-5 1.2 590
K061	
Emission control dust or sludge from the primary production of steel in	

POLLUTION CONTROL BOARD

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electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	NA	5.7 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
Thallium	7440-28-0	NA	0.20 mg/l TCLP
Zinc	7440-66-6	NA	4.3 mg/l TCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7740-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

K069

Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory

NA	NA	NA	RULEAD
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K071

(Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K071

(Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13

(difficult to distinguish from diphenylnitrosamine)

Diphenylnitrosamine	86-30-6	0.92	13
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(difficult to distinguish from diphenylamine)

Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs	1336-36-3	0.10	10

(sum of all PCB isomers, or all Aroclors)

Pentachlorobenzene	608-93-5	0.055	14
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	10
1,2,4-Trichlorobenzene	120-82-1	0.055	19

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(measured as Phthalic acid or Terephthalic acid)
 (measured as Phthalic acid or Terephthalic acid)

28

0.055

85-44-9

K095
 Distillation bottoms from the production of 1,1,1-trichloroethane.

30

0.055

67-72-1

Hexachloroethane

6.0

0.055

76-01-7

Pentachloroethane

6.0

0.057

630-20-6

1,1,1,2-Tetrachloroethane

6.0

0.057

79-34-6

1,1,2,2-Tetrachloroethane

6.0

0.056

127-18-4

Tetrachloroethylene

6.0

0.054

79-00-5

1,1,2-Trichloroethane

6.0

0.054

79-01-6

Trichloroethylene

from the production of

heavy ends

column

from the

production of

K096

Heavy ends from the

1,1,1-trichloroethane.

m-Dichlorobenzene

Pentachloroethane

1,1,1,2-Tetrachloroethane

1,1,2,2-Tetrachloroethane

Tetrachloroethylene

1,2,4-Trichlorobenzene

Trichloroethylene

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (alpha and gamma isomers)

Heptachlor

Heptachlor epoxide

Hexachlorocyclopentadiene

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (alpha and gamma isomers)

Heptachlor

Heptachlor epoxide

Hexachlorocyclopentadiene

K098

Unreated process wastewater from the production of toxaphene.

Toxaphene

8001-35-2

0.0095

2.6

Unreated process wastewater from the production of aniline.

Aniline

Benzene

2,4-Dinitrophenol

K103

Process residues from aniline extraction from the production of aniline.

Aniline

Benzene

2,4-Dinitrophenol

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium

Chromium (Total)

Lead

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline

Arsenic

Cadmium

Lead

Mercury

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol

Arsenic

Cadmium

Lead

Mercury

K103

Process residues from aniline extraction from the production of aniline.

Aniline

Benzene

2,4-Dinitrophenol

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium

Chromium (Total)

Lead

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K099

Unreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxy-

acetic acid

HxCDDs (All Hexachloro-

dibenzo-p-dioxins)

HxCDFs (All Hexachloro-

dibenzofurans)

PeCDDs (All Pentachloro-

dibenzo-p-dioxins)

PeCDFs (All Pentachloro-

dibenzofurans)

TCDDs (All Tetrachloro-

dibenzo-p-dioxins)

TCDFs (All Tetrachloro-

dibenzofurans)

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium

Chromium (Total)

Lead

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline

Arsenic

Cadmium

Lead

Mercury

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol

Arsenic

Cadmium

Lead

Mercury

K103

Process residues from aniline extraction from the production of aniline.

Aniline

Benzene

2,4-Dinitrophenol

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium

Chromium (Total)

Lead

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline

Arsenic

Cadmium

Lead

Mercury

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol

Arsenic

Cadmium

Lead

Mercury

K103

Process residues from aniline extraction from the production of aniline.

Aniline

Benzene

2,4-Dinitrophenol

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Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
K104			
Combined wastewater streams generated from nitrobenzene or aniline production.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total) (7)	57-12-5	1.2	590
K105			
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.			
Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
K106			
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
K106			
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
K106			
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
K106			
All K106 wastewaters.			
Mercury	7439-97-6	0.15	NA
K107			
Column bottoms from product separation from the production of			

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K108			
Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	NA	CMBST
			CMBST; or CHOXD fb
			CAREN; or
			BIODG fb CAREN
K109			
Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	NA	CMBST
			CMBST; or CHOXD fb
			CAREN; or
			BIODG fb CAREN
K110			
Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	NA	CMBST
			CMBST; or CHOXD fb
			CAREN; or
			BIODG fb CAREN
K111			
Product washwaters from the production of dinitrotoluene via nitration of toluene.			
2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
K112			
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	NA	CMBST
			CMBST; or CHOXD fb
			CAREN; or
			BIODG fb CAREN
K113			
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			

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NA	NA	CMBST; or CMBST	
K114	Heavy ends from the purification of toluenediamine in the production of Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	CMBST	
NA	NA	CMBST; or CMBST	
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	11 mg/l TCLP 3.98	
Nickel	7440-02-0	CMBST	
NA	NA	CMBST; or CMBST	
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	CMBST	
NA	NA	CMBST; or CMBST	
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	0.11	15
	Methyl bromide (Bromo- 74-83-9		
	Methane)		
	Chloroform	67-66-3	0.046
	Ethylene dibromide	106-93-4	6.0
	(1,2-Dibromoethane)		15
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11	15
	Methyl bromide (Bromo- 74-83-9		
	methane)		
	Chloroform	67-66-3	0.046
	Ethylene dibromide	106-93-4	0.028
	(1,2-Dibromoethane)		
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	CMBST; or CMBST	
NA	NA	CMBST; or CMBST	

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K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA	CMBST; or CHOXD fb (BIOOG or CARBN)	CMBST
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA	CMBST; or CHOXD fb (BIOOG or CARBN)	CMBST
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA	CMBST; or CHOXD fb (BIOOG or CARBN)	CMBST
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	0.11	15	
	Methyl bromide (Bromo- 74-83-9 methane)			
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	0.11	15	
	Methyl bromide (Bromo- 74-83-9 methane)			
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11	15	
	Methyl bromide (Bromo- 74-83-9 methane)			
	Chloroform	67-66-3	0.046	6.0
	Ethylene dibromide	106-93-4	0.028	15
	(1,2-Dibromoethane)			
K140	Floor sweepings, off-specification product, and spent filter media from the production of 2,4,6-tribromophenol.			

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2,4,6-Tribromophenol 118-79-6 0.035 7.4

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-2-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K143
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.
Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8

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(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Naphthalene 91-20-3 0.059 5.6

K147

Tar storage tank residues from coal tar refining.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to

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distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148			
Residues from coal tar distillation, including, but not limited to, still bottoms.			
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10

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Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
ethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K151			
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.			
Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Benzene	127-18-4	0.056	6.0
Tetrachloroethylene	120-88-3	0.080	10
Toluene			

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbanates and carbamoyl oximes.(10)

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benzoyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbazadim	10605-21-7	0.056	1.4
Carbosulfan	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methoxymyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

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R157 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.
 Carbon tetrachloride 56-23-5 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 Chloromethane 74-87-3 0.19 30
 Methomyl 16752-77-5 0.028 0.14
 Methylene chloride 75-09-2 0.089 30
 Methyl ethyl ketone 78-93-3 0.28 36
 Pyridine 110-86-1 0.014 16
 Triethylamine 121-44-8 0.081 1.5

Benzene 71-43-2 0.14 10
 Benzo(g,h,i)perylene 191-24-2 0.0055 1.8
 Chrysene 218-01-9 0.059 3.4
 Ethyl benzene 100-41-4 0.057 10
 Fluorene 86-73-7 0.059 3.4
 Naphthalene 91-20-3 0.059 5.6
 Phenanthrene 81-05-8 0.059 5.6
 Pyrene 129-00-0 0.067 8.2
 Toluene (Methyl Benzene) 108-88-3 0.080 10
 Xylenes(ytene)(*) (Total) 1330-20-7 0.32 30

R158 Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.
 Benomyl 17804-35-2 0.056 1.4
 Benzene 71-43-2 0.14 10
 Carbenzadim 10605-21-7 0.056 1.4
 Carbofuran 1563-66-2 0.006 0.14
 Carbosulfan 55285-14-8 0.028 1.4
 Chloroform 67-66-3 0.046 6.0
 Methylene chloride 75-09-2 0.089 30
 Phenol 108-95-2 0.039 6.2

R170 Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene 56-95-3 0.059 3.4
 Benzene 71-43-2 0.14 10
 Benzo(g,h,i)perylene 191-24-2 0.0055 1.8
 Chrysene 218-01-9 0.059 3.4
 Dibenz(a,h)anthracene 53-70-3 0.055 8.2
 Ethyl benzene 100-41-4 0.057 10
 Fluorene 86-73-7 0.059 3.4
 Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4
 Naphthalene 91-20-3 0.059 5.6
 Phenanthrene 81-05-8 0.059 5.6
 Pyrene 129-00-0 0.067 8.2
 Toluene (Methyl Benzene) 108-88-3 0.080 10
 Xylenes(ytene)(*) (Total) 1330-20-7 0.32 30

R159 Organics from the treatment of thiocarbamate wastes.(10)

Butylate 71-43-2 0.14 10
 EPC (Bptam) 2008-41-5 0.042 1.4
 Molinate 759-94-4 0.042 1.4
 Pebulate 2212-67-1 0.042 1.4
 Vernolate 1114-71-2 0.042 1.4
 1929-77-7 0.042 1.4

R161 Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.
 Antimony 7440-36-0 1.9 1.15(11)
 Arsenic 7440-38-2 1.4 4.0(11)
 Carbon disulfide 75-15-0 3.8 4.8(11)
 Dithiocarbamates (total) 137-30-4 0.028 28
 Lead 7439-92-1 0.69 0.75(11)
 Nickel 7440-02-0 3.98 11(11)
 Selenium 7782-49-2 0.82 5.7(11)

R171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)
 Benz(a)anthracene 56-95-3 0.059 3.4
 Benzene 71-43-2 0.14 10
 Chrysene 218-01-9 0.059 3.4
 Ethyl benzene 100-41-4 0.057 10
 Naphthalene 91-20-3 0.059 5.6
 Phenanthrene 81-05-8 0.059 5.6
 Pyrene 129-00-0 0.067 8.2
 Toluene (Methyl Benzene) 108-88-3 0.080 10
 Xylenes(ytene)(*) (Total) 1330-20-7 0.32 30

7740-38-2 1.4 5 mg/L TCLP
 Arsenic 7440-02-0 3.98 11.0 mg/L TCLP
 Vanadium 7440-62-2 4.3 1.6 mg/L TCLP
 Reactive sulfides NA DEACT

R172 Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This

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listing does not include inert support media.)	10	
Benzene 71-43-2	0.14	
Ethyl benzene 100-41-4	0.057	
Toluene (Methyl Benzene) 108-88-3	0.080	
Xylenes (Total) 1330-20-7	0.32	
Antimony 7740-36-0	1.9	
Arsenic 7740-38-2	1.4	
Nickel 7440-02-0	3.98	
Vanadium 7440-62-2	4.3	
Reactive Sulfides NA	DEACT	
P001		
Warfarin, & salts, when present at concentrations greater than 0.3 percent		
Warfarin 81-81-2	CMBST	
	(WETOX or CHOXD) fb	
	CARBEN; or	
	CMBST	
P002		
1-Acetyl-2-thiourea 591-08-2	CMBST	
1-Acetyl-2-thiourea	(WETOX or CHOXD) fb	
	CARBEN; or	
	CMBST	
P003		
Acrolein 107-02-8	0.29	
Acrolein		
P004		
Aldrin 309-00-2	0.021	
Aldrin		
P005		
Allyl alcohol 107-18-6	(WETOX or CHOXD) fb	
Allyl alcohol	CARBEN; or	
	CMBST	
P006		
Aluminum phosphide 20859-73-8	CHOXD;CHRED;	
Aluminum phosphide	or CMBST	
P007		
5-Aminomethyl-3-isoxazolol		

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5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb	CMBST
		CARBEN; or	
		CMBST	
P008			
4-Aminopyridine			
4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb	CMBST
		CARBEN; or	
		CMBST	
P009			
Ammonium picrate			
Ammonium picrate	131-74-8	CHOXD; CHRED;	CHOXD; CHRED;
		CARBEN; BIODG;	or CMBST
		or CMBST	
P010			
Arsenic acid			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011			
Arsenic pentoxide			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012			
Arsenic trioxide			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013			
Barium cyanide			
Barium	7440-39-3	NA	21 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
P014			
Thiophenol (Benzene thiol)			
Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb	CMBST
		CARBEN; or	
		CMBST	
P015			
Beryllium dust			
Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM

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P016 Dichloromethyl ether (Bis(chloromethyl)ether) Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P017 Bromoacetone Bromoacetone	598-31-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P018 Brucine Brucine	357-57-3	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5		
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30		
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternat(6) standard for nonwastewaters only	75-15-0 75-15-0	3.8 NA	CMBST 4.8 mg/l TCLP		
P023 Chloroacetaldehyde Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P024 p-Chloroaniline p-Chloroaniline	106-47-8	0.46	16		
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	5344-82-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P027 3-Chloropropionitrile 3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P028 Benzyl chloride Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30		
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30		
P031 Cyanogen Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST		
P033 Cyanogen chloride Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST		
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	131-89-5	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST		

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P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P037 Dieldrin Dieldrin	60-57-1	0.017	0.13	
P038 Diethylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P039 Disulfoton Disulfoton	298-04-4	0.017	6.2	
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate O,O-Diethyl-O-pyrazinyl- 297-97-2 phosphorothioate		CARBEN; or CMBST	CMBST	
P041 Diethyl-p-nitrophenyl phosphate Diethyl-p-nitrophenyl 311-45-5 phosphate		CARBEN; or CMBST	CMBST	
P042 Epinephrine Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P043 Diisopropylfluorophosphate (DPP) Diisopropylfluoro- phosphate (DPP)	55-91-4	CARBEN; or CMBST	CMBST	
P044 Dimethoate Dimethoate	60-51-5	CARBEN; or CMBST	CMBST	
P045 Thiofanox Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

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P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- 122-09-8 phenethylamine				CMBST	(WETOX or CHOXD) fb CARBN; or CMBST	
P047 4,6-Dinitro-o-cresol 4,6-Dinitro-o-cresol	543-52-1	0.28	160			
P047 NA 4,6-Dinitro-o-cresol salts NA					(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160			
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13			
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13			
P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			

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CMBST

P070
Aldicarb
Aldicarb

116-06-3
(WETOX or
CHOXD) fb
CARN; or
CMBST

CMBST

P071
Methyl parathion
Methyl parathion

0.014

298-00-0

4.6

P072
1-Naphthyl-2-thiourea
1-Naphthyl-2-thiourea

86-88-4
(WETOX or
CHOXD) fb
CARN; or
CMBST

CMBST

P073
Nickel carbonyl
Nickel

3.98

7440-02-0

11 mg/l TCLP

P074
Nickel cyanide
Cyanides (Total)(7)
Cyanides (Amenable)(7)
Nickel

1.2
0.86
3.96

57-12-5
57-12-5
7440-02-0

590
30
11 mg/l TCLP

P075
Nicotine and salts
Nicotine and salts

54-11-5
(WETOX or
CHOXD) fb
CARN; or
CMBST

CMBST

P076
Nitric oxide
Nitric oxide

ADGAS

10102-43-9

ADGAS

P077
p-Nitroaniline
p-Nitroaniline

0.028

100-01-6

28

P078
Nitrogen dioxide
Nitrogen dioxide

ADGAS

10102-44-0

ADGAS

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P081
Nitroglycerin
Nitroglycerin

55-63-0
CHOXD; CHRED;
CARN; BLODG
or CMBST

CHOXD; CHRED;
or CMBST

P082
N-Nitrosodimethylamine
N-Nitrosodimethylamine

0.40

62-75-9

2.3

P084
N-Nitrosomethylvinylamine
N-Nitrosomethylvinyl-
amine

(WETOX or
CHOXD) fb
CARN; or
CMBST

CMBST

P085
Octamethylpyrophosphoramide
Octamethylpyrophosphor-
amide

CARN; or
CMBST

CMBST

P087
Osmium tetroxide
Osmium tetroxide

20816-12-0

RMETL; or
RTERM

P088
Endothall
Endothall

145-73-3

CMBST

P089
Parathion
Parathion

0.014

56-38-2

4.6

P092
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total
mercury content, that are not incinerator residues or are not residues from
RMERC.

NA

7439-97-6

RMERC; or
RMERC

P092

P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator
residues or are residues from RMERC; and still contain greater than or equal to

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260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC	
P092	P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	NA	0.20 mg/l TCLP	
Mercury	7439-97-6	NA		
P092	P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	NA	0.025 mg/l TCLP	
Mercury	7439-97-6	NA		
P092	All P092 (phenyl mercuric acetate) wastewaters.		NA	
Mercury	7439-97-6	0.15		
P093	Phenylthiourea			
Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P094	Phorate			
Phorate	298-02-2	0.021	4.6	
P095	Phosgene			
Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P096	Phosphine			
Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
P097	Famphur			
Famphur	52-85-7	0.017	15	
P098	Potassium cyanide- Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 0.86	590 30	

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P099	Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP
P101	Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102	Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103	Selenourea Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P104	Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP
P105	Sodium azide Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIOOG; or CMBST	CHOXD; CHRED; or CMBST
P106	Sodium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P108	Strychnine and salts Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109	Tetraethyldithiopyrophosphate			

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P110	Tetraethylthiopyrophosphate	3689-24-5	CMBST	Vanadium (measured in wastewaters only)	7440-62-2
P111	Tetraethyl lead	7439-92-1	0.69	P120	Vanadium pentoxide
	Lead		0.75 mg/l TCLP	Vanadium (measured in wastewaters only)	7440-62-2
P112	Tetraethylpyrophosphate	107-49-3	CMBST	P121	Zinc cyanide
	Tetraethylpyrophosphate		CARBEN; or CMBST	Cyanides (Total)(7)	57-12-5
P113	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	Cyanides (Amenable)(7)	57-12-5
	Tetranitromethane			P122	Zinc phosphide
P114	Thallic oxide	7440-28-0	1.4	Zinc phosphide Zn[3]P[2], when present at concentrations greater than 10 percent	1314-84-7
	Thallium (measured in wastewaters only)			Zinc Phosphide	CHOXD; CHRED; or CMBST
P115	Thallium selenite	7782-49-2	0.82	P123	Toxaphene
	Selenium			Toxaphene	8001-35-2
P116	Thallium (I) sulfate	7440-28-0	1.4	P127	Carbofuran
	Thallium (measured in wastewaters only)			Carbofuran	1563-66-2
P117	Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	P128	Mexacarbate
	Thiosemicarbazide			Mexacarbate	315-18-4
P118	Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	P185	Tirpate(10)
	Trichloromethanethiol			Tirpate	26419-73-8
P119	Ammonium vanadate			P188	Physostigmine salicylate
				Physostigmine salicylate	57-64-7
				P189	Carbosulfan
				Carbosulfan	55285-14-8
				P190	Metolcarb
				Metolcarb	1129-41-5

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P191 Dimetilan(10) Dimetilan	644-64-4 0.056 1.4	Zirman Dithiocarbamates (total)	NA 0.028 28
P192 Isolan(10) Isolan	119-38-0 0.056 1.4	U001 Acetaldehyde Acetaldehyde	75-07-0 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
P194 Oxamyl Oxamyl	23135-22-0 0.056 0.0028	U002 Acetone Acetone	67-64-1 0.28 160
P196 Manganese dimethyldithiocarbamates (total) Dithiocarbamates (total)	NA 0.028 28	U003 Acetonitrile Acetonitrile Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8 5.6 75-05-8 NA CMBST 38
P197 Formaranate(10) Formaranate	17702-57-7 0.056 1.4	U004 Acetophenone Acetophenone	98-86-2 0.010 9.7
P198 Formetanate hydrochloride Formetanate hydro- chloride	23422-53-9 0.056 1.4	U005 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3 0.059 140
P199 Methiocarb Methiocarb	2032-65-7 0.056 1.4	U006 Acetyl chloride Acetyl chloride	75-36-5 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
P201 Promecarb Promecarb	2631-37-0 0.056 1.4	U007 Acrylamide Acrylamide	79-06-1 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
P202 m-Cumenyl methylcarbamate m-Cumenyl methyl- carbamate	64-00-6 0.056 1.4	U008 Acrylic acid Acrylic acid	79-10-7 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
P203 Aldicarb sulfone Aldicarb sulfone	1646-88-4 0.056 0.28		
P204 Physostigmine Physostigmine	57-47-6 0.056 1.4		
P205			

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U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	(WETOX or CHOXD) fb CARN; or CMBST	84	
U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
U012 Aniline Aniline	62-53-3	0.81		14	
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
U015 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
U017					

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Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARN; or CMBST			CMBST
U018 Benz(a)anthracene Benz(a)anthracene	56-55-3	0.059			3.4
U019 Benzene Benzene	71-43-2	0.14			10
U020 Benzenesulfonyl chloride Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARN; or CMBST			CMBST
U021 Benzidine Benzidine	92-87-5	(WETOX or CHOXD) fb CARN; or CMBST			CMBST
U022 Benzo(a)pyrene Benzo(a)pyrene	50-32-8	0.061			3.4
U023 Benzotrifluoride Benzotrifluoride	98-07-7	CHOXD; CHRED; CARN; BIODG; or CMBST			CHOXD; CHRED; or CMBST
U024 bis(2-Chloroethoxy)methane bis(2-Chloroethoxy)- methane	111-91-1	0.036			7.2
U025 bis(2-Chloroethyl)ether bis(2-Chloroethyl)ether	111-44-4	0.033			6.0
U026					

ILLINOIS REGISTER		4630	00	ILLINOIS REGISTER		4631	00
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Chlorophazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U035	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST
U027	bis(2-Chloroisopropyl)ether bis(2-Chloroisopropyl) ether	0.055	7.2	U036	Chlordane Chlordane (alpha and gamma isomers)	57-74-9	0.0033
U028	bis(2-Ethylhexyl)phthalate bis(2-Ethylhexyl)- phthalate	0.28	28	U037	Chlorobenzene	108-90-7	6.0
U029	Methyl bromide (Bromomethane)	0.11	15	U038	Chlorobenzilate	510-15-6	0.10
U030	4-Bromophenyl phenyl ether 4-Bromophenyl phenyl ether	0.055	15	U039	P-Chloro-m-cresol P-Chloro-m-cresol	59-50-7	0.018
U031	n-Butyl alcohol n-Butyl alcohol	5.6	2.6	U041	Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST
U032	Calcium chromate Chromium (Total)	2.77	0.60 mg/l TCLP	U042	2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062
U033	Carbon oxyfluoride Carbon oxyfluoride	353-50-4	CMBST	U043	Vinyl chloride	75-01-4	0.27
U034	Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6	CMBST	U044	Chloroform	67-66-3	0.046
				U045	Chloromethane (Methyl chloride)		

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U046 Chloromethane (Methyl chloride)	74-87-3	0.19	30	
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U047 2-Chloronaphthalene	91-58-7	0.055	5.6	
U048 2-Chlorophenol	95-57-8	0.044	5.7	
U049 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U050 Chrysene	218-01-9	0.059	3.4	
U051 Cresote	91-20-3	0.059	5.6	
Pentachlorophenol	87-86-5	0.089	7.4	
Phenanthrene	85-01-8	0.059	5.6	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-3	0.080	10	
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30	
Lead	7439-92-1	0.69	0.75 mg/l TCCLP	
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p- cresol)	95-48-7 108-39-4	0.11 0.77	5.6 5.6	

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p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6	
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	1319-77-3	0.88	11.2	
U053 Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U055 Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U056 Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U057 Cyclohexanone	108-94-1	0.36		
Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1	NA		
U058 Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST	
U059 Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

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U060 DDD o,p'-DDD p,p'-DDD	53-19-0 72-54-8	0.023 0.023	0.087 0.087	Di-n-butyl phthalate Di-n-butyl phthalate	84-74-2	0.057	28
U061 DDT o,p'-DDT p,p'-DDT o,p'-DDD p,p'-DDD p,p'-DDD o,p'-DDE p,p'-DDE	789-02-6 50-29-3 53-19-0 72-54-8 3424-82-6 72-55-9	0.0039 0.0039 0.023 0.023 0.031 0.031	0.087 0.087 0.087 0.087 0.087 0.087	o-Dichlorobenzene o-Dichlorobenzene m-Dichlorobenzene m-Dichlorobenzene p-Dichlorobenzene p-Dichlorobenzene	95-50-1	0.088	6.0
U062 Diallate Diallate	2303-16-4	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	3,3'-Dichlorobenzidine 3,3'-Dichlorobenzidine	106-46-7	0.090	6.0
U063 Dibenz(a,h)anthracene Dibenz(a,h)anthracene	53-70-3	0.055	8.2	1,4-Dichloro-2-butene cis-1,4-Dichloro-2- butene	1476-11-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U064 Dibenz(a,i)pyrene Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	trans-1,4-Dichloro-2- butene	764-41-0	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U066 1,2-Dibromo-3-chloro- propane 1,2-Dibromo-3- chloropropane	96-12-8	0.11	15	Dichlorodifluoromethane Dichlorodifluoromethane	75-71-8	0.23	7.2
U067 Ethylene dibromide (1,2-Dibromoethane) Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15	1,1-Dichloroethane 1,1-Dichloroethane	75-34-3	0.059	6.0
U068 Dibromomethane Dibromomethane	74-95-3	0.11	15	1,2-Dichloroethane 1,2-Dichloroethane	107-06-2	0.21	6.0
U069				1,1-Dichloroethylene 1,1-Dichloroethylene	75-35-4	0.025	6.0

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U079 1,2-Dichloroethylene trans-1,2-Dichloro- ethylene	156-60-5	0.054	30	
U080 Methylene chloride Methylene chloride	75-09-2	0.089	30	
U081 2,4-Dichlorophenol 2,4-Dichlorophenol	120-83-2	0.044	14	
U082 2,6-Dichlorophenol 2,6-Dichlorophenol	87-65-0	0.044	14	
U083 1,2-Dichloropropane 1,2-Dichloropropane	78-87-5	0.85	18	
U084 1,3-Dichloropropylene cis-1,3-Dichloro- propylene	10061-01-5	0.036	18	
trans-1,3-Dichloro- propylene	10061-02-6	0.036	18	
U085 1,2,3,4-Diepoxybutane 1,2,3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U086 N,N'-Diethylhydrazine N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CAREN; BLDUG; or CMBST	CHOXD; CHRED; or CMBST	
U087 O,O-Diethyl-S-methyldithiophosphate O,O-Diethyl-S-methyl- dithiophosphate	3288-58-2	CAREN; or CMBST	CMBST	
U088 Diethyl phthalate				

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Diethyl phthalate	84-66-2	0.20	28	
U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U090 Dihydrosafrole Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U092 Dimethylamine Dimethylamine	124-40-3	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U093 p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene	60-11-7	0.13	CMBST	
U094 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene	57-97-6	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U095 3,3'-Dimethylbenzidine 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U096 alpha, alpha-Dimethyl benzyl hydroperoxide				

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alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	(WETOX or CHOXD) fb CARBN; or CMBST
U098 1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; CARBN; BIODG; or CMBST
U099 1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; CARBN; BIODG; or CMBST
U101 2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105 2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane	123-91-1	12.0	170
U109 1,2-Diphenylhydrazine	122-66-7	0.087	NA
U110 Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111 Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate	141-78-6	0.34	33
U113 Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114 Ethylenebis(dithiocarbamic acid salts and esters)	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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U115 Ethylene oxide Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST	
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	0.12	NA	
U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U117 Ethyl ether Ethyl ether	60-29-7	0.12	160	
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160	
U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4	
U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-59-4	0.020	30	
U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

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U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	0.055	10	
U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	5.6	
U129 Lindane alpha-BHC beta-BHC delta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.066 0.066 0.066 0.066	
U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4	

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U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30	U142 Kepone Kepone	143-50-8	0.0011	0.13
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	U144 Lead acetate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR	U145 Lead phosphate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	U146 Lead subacetate Lead	7439-92-1	0.69	0.75 mg/l TCLP
U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	U147 Maleic anhydride Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4	U148 Maleic hydrazide Maleic hydrazide	123-39-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U138 Iodomethane Iodomethane	74-88-4	0.19	65	U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	170	U150 Meiphalan Meiphalan	148-82-3	(WETOX or CHOXD) fb	CMBST
U141 Isosafrole Isosafrole	120-59-1	0.081	2.6				

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N-Nitrosodiethanol-amine
1116-54-7 (WETOX or CHOXD) fb
CARBN; or
CMBST

U174
N-Nitrosodiethylamine
N-Nitrosodiethylamine
55-18-5 0.40 28

U176
N-Nitroso-N-ethylurea
N-Nitroso-N-ethylurea
759-73-9 (WETOX or CHOXD) fb
CARBN; or
CMBST

U177
N-Nitroso-N-methylurea
N-Nitroso-N-methylurea
684-93-5 (WETOX or CHOXD) fb
CARBN; or
CMBST

U178
N-Nitroso-N-methylurethane
N-Nitroso-N-methylurethane
615-53-2 (WETOX or CHOXD) fb
CARBN; or
CMBST

U179
N-Nitrosopiperidine
N-Nitrosopiperidine
100-75-4 0.013 35

U180
N-Nitrosopyrrolidine
N-Nitrosopyrrolidine
930-55-2 0.013 35

U181
5-Nitro-o-toluidine
5-Nitro-o-toluidine
99-55-8 0.32 28

U182
Paraldehyde
Paraldehyde
123-63-7 (WETOX or CHOXD) fb
CARBN; or
CMBST

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CHOXD) fb
CARBN; or
CMBST

U165
Naphthalene
Naphthalene
91-20-3 0.059 5.6

U166
1,4-Naphthoquinone
1,4-Naphthoquinone
130-15-4 (WETOX or CHOXD) fb
CARBN; or
CMBST

U167
1-Naphthylamine
1-Naphthylamine
134-32-7 (WETOX or CHOXD) fb
CARBN; or
CMBST

U168
2-Naphthylamine
2-Naphthylamine
91-59-8 CMBST

U169
Nitrobenzene
Nitrobenzene
98-95-3 0.068 14

U170
p-Nitrophenol
p-Nitrophenol
100-02-7 0.12 29

U171
2-Nitropropane
2-Nitropropane
79-46-9 (WETOX or CHOXD) fb
CARBN; or
CMBST

U172
N-Nitrosodi-n-butylamine
N-Nitrosodi-n-butylamine
924-16-3 0.40 17

U173
N-Nitrosodiethanolamine

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U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	1.0	acid)		
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0	U192 Pronamide Pronamide	23950-58-5	0.093
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8	U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST
U187 Phenacetin Phenacetin	62-44-2	0.081	16	U196 Pyridine Pyridine	110-86-1	0.014
U188 Phenol Phenol	108-95-2	0.039	6.2	U197 P-Benzoquinone P-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST
U190 Phthalic anhydride Phthalic anhydride (measured as phthalic acid or Terephthalic acid)	100-21-0	0.055	28	U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST
Phthalic anhydride (measured as phthalic acid or Terephthalic acid)	85-44-9	0.055	28			

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U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST				
U192 Pronamide Pronamide	23950-58-5	0.093	1.5			
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U196 Pyridine Pyridine	110-86-1	0.014	16			
U197 P-Benzoquinone P-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			

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CHOXD) fb
CARBN; or
CMBST

U202
Saccharin and salts
Saccharin

81-07-2

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U203

Saffrole
Saffrole

94-59-7

0.081

U204

Selenium dioxide
Selenium

7782-49-2

0.82

U205

Selenium sulfide
Selenium

7782-49-2

0.82

U206

Streptozotocin
Streptozotocin

18883-66-4

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U207

1,2,4,5-Tetrachlorobenzene
1,2,4,5-Tetrachloro-
benzene

95-94-3

0.055

U208

1,1,1,2-Tetrachloroethane
1,1,1,2-Tetrachloro-
ethane

630-20-6

0.057

U209

1,1,2,2-Tetrachloroethane
1,1,2,2-Tetrachloro-
ethane

79-34-5

0.057

U210

Tetrachloroethylene
Tetrachloroethylene

127-18-4

0.056

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U211
Carbon tetrachloride
Carbon tetrachloride

56-23-5

0.057

U213

Tetrahydrofuran
Tetrahydrofuran

109-99-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U214

Thallium (I) acetate
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

U215

Thallium (I) carbonate
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

U216

Thallium (I) chloride
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

U217

Thallium (I) nitrate
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

U218

Thioacetamide
Thioacetamide

62-55-5

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U219

Thiourea
Thiourea

62-56-6

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U220

Toluene
Toluene

108-88-3

0.080

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U221	Toluenediamine Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	15
U226	1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227	1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228	Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0
U234	1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-dibromopropyl)-phosphate tris-(2,3-dibromo- propyl)-phosphate	126-72-7	0.11	0.10
U236	Trypan Blue			

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Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237			
Uracyl mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238			
Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239			
Xylenes	1330-20-7	0.32	30
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)			
U240			
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
2,4-D (2,4-Dichloro- phenoxyacetic acid)	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters			
U243			
Hexachloropropylene	1888-71-7	0.035	30
U244			
Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246			
Cyanogen bromide	506-68-3	CHOXD; WETOX;	CHOXD

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U247 Methoxychlor Methoxychlor	72-43-5	0.25	0.18	or CMBST	
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	(WFOX or CHOXD) fb CARBN; or CMBST	CMBST		
U249 Zinc phosphide, Zn[3]P[2], when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST		
U271 Benomyl Benomyl	17804-35-2	0.056	1.4		
U278 Bendiocarb Bendiocarb	22781-23-3	0.056	1.4		
U279 Carbaryl Carbaryl	63-25-2	0.006	0.14		
U280 Barban Barban	101-27-9	0.056	1.4		
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIOOG or CARBN); or BIOOG fb CARBN	CMBST		
U353 p-Toluidine p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIOOG or CARBN); or	CMBST		

U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIOOG or CARBN); or BIOOG fb CARBN	CMBST		
U364 Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056	1.4		
U367 Carbofuran phenol Carbofuran phenol	1563-38-8	0.056	1.4		
U372 Carbendazim Carbendazim	10605-21-7	0.056	1.4		
U373 Propham Propham	122-42-9	0.056	1.4		
U387 Prosulfocarb Prosulfocarb	52888-80-9	0.042	1.4		
U389 Triallate Triallate	2303-17-5	0.042	1.4		
U394 A2213(10) A2213	30558-43-1	0.042	1.4		
U395 Diethylene glycol, dicarbamate(10) Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4		
U404 Triethylamine Triethylamine	101-44-8	0.081	1.5		
U408					

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2,4,6-Tribromophenol	118-79-6	0.035	7.4
2,4,6-Tribromophenol			
U409			
Thiodicarb			
Thiophanate-methyl	23564-05-8	0.056	1.4
Thiophanate-methyl			
U410			
Thiodicarb	59669-26-0	0.019	1.4
Thiodicarb			
U411			
Propoxor			
Propoxor	114-26-1	0.056	1.4

Notes:

- The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards." "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.
- Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based on upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or based on upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

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- Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
- Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)
- These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
- The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIOD; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.
- For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1999)(1998), as amended at 64 63 Fed. Reg. 56471 (October 20, 1999) 47415-(Sep-47-1998)--and--63--Fed--Reg-54264-(Sep-24-1998).

NA means not applicable.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) **Heading of the Part:** RCRA Permit Program2) **Code citation:** 35 Ill. Adm. Code 703

- 3) **Section Numbers:**
 703.123 Amend
 703.161 Amend
 703.183 Amend
 703.205 Amend
 703.208 Amend
 703.220 Amend
 703.221 Add
 703.232 Amend
 703.301 Amend
 703.303 Amend
 703.304 Amend
 703.306 Amend
 APPENDIX A Amend

4) **Statutory authority:** 415 ILCS 5/7.2, 13, 22.4, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment. Which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 730. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

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64 Fed. Reg. 36466 (July 6, 1999)
 USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828 (September 30, 1999)
 USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

64 Fed. Reg. 56469 (October 20, 1999)
 USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 63209 (November 19, 1999)
 USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414 (December 30, 1999)
 40 CFR 136 amendments

Specifically, the amendments to Part 703 implement major segments of the federal September 30, 1999 hazardous waste combustor rule and segments of the July 6, 1999 designation of lamps as universal waste. The amendments also make a number of corrections requested by the Joint Committee on Administrative Rules (JCAR).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

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- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 703 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Sections 703.205(e), 703.208, 703.221, and 703.232, the addition of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111. The amendments also include the deletion of former 40 CFR 268.8 at paragraphs (F)(1)(c), (F)(4)(a), (G)(1)(e), (G)(5)(c), (H)(5)(c), and (J)(5)(c) of Appendix A and the deletion of 40 CFR 268.5 at paragraphs (H)(5)(c) and (J)(5)(c) of Appendix A. Numerous other incorporations remain unaffected by the present amendments.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

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Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

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 703.100 Scope and Relation to Other Parts
 703.101 Purpose
 703.110 References

SUBPART B: PROHIBITIONS

Section
 703.120 Prohibitions in General
 703.121 RCRA Permits
 703.122 Specific Inclusions in Permit Program
 703.123 Specific Exclusions from Permit Program
 703.124 Discharges of Hazardous Waste
 703.125 Reapplications
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 703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

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 703.140 Purpose and Scope
 703.141 Permits by Rule
 703.150 Application by Existing HWM Facilities and Interim Status
 Qualifications
 703.151 Application by New HWM Facilities
 703.152 Amended Part A Application
 703.153 Qualifying for Interim Status
 703.154 Prohibitions During Interim Status
 703.155 Changes During Interim Status
 703.156 Interim Status Standards
 703.157 Grounds for Termination of Interim Status
 703.158 Permits for Less Than an Entire Facility
 703.159 Closure by Removal
 703.160 Procedures for Closure Determination
 703.161 Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

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 703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.191 Public Participation: Pre-Application Public Notice and Meeting
 703.192 Public Participation: Public Notice of Application
 703.193 Public Participation: Information Repository
 703.200 Specific Part B Application Information
 703.201 Containers
 703.202 Tank Systems
 703.203 Surface Impoundments
 703.204 Waste Piles
 703.205 Incinerators that Burn Hazardous Waste
 703.206 Land Treatment
 703.207 Landfills
 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
 703.209 Miscellaneous Units
 703.210 Process Vents
 703.211 Equipment
 703.212 Drip Pads
 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers
 703.214 Post-Closure Care Permits

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.220 Emergency Permits
 703.221 Alternative Compliance with the Federal NESHAPS
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Trial Burns for Existing Incinerators
 703.230 Land Treatment Demonstration
 703.231 Research, Development and Demonstration Permits
 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
 703.234 Remedial Action Plans

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions

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Noncompliance Pursuant to Emergency Permit

703-243 Monitoring
 703-244 Notice of Planned Changes (Repealed)
 703-245 Twenty-four Hour Reporting
 703-246 Reporting Requirements
 703-247 Anticipated Noncompliance
 703-248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section

703-260 Transfer
 703-270 Modification
 703-271 Causes for Modification
 703-272 Causes for Modification or Reissuance
 703-273 Facility Siting
 703-280 Permit Modification at the Request of the Permittee
 703-281 Class 1 Modifications
 703-282 Class 2 Modifications
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SUBPART H: REMEDIAL ACTION PLANS

Section

703-300 Why This Subpart Is Written in a Special Format
 703-301 General Information
 703-302 Applying for a RAP
 703-303 Getting a RAP Approved
 703-304 How a RAP May Be Modified, Revoked and Reissued, or Terminated
 703-305 Operating Under A RAP
 703-306 Obtaining a RAP for an Off-Site Location

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7-2, 22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 13683, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 23584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13

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Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 1, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions from Permit Program

The following persons are among those that who are not required to obtain a RCRA permit:

- Generators that who accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- Farmers that who dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- Persons that who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);
- Owners or operators of totally enclosed treatment facilities as defined in 35 Ill. Adm. Code 720.110;
- Owners and operators of elementary neutralization units or wastewater treatment units as defined in 35 Ill. Adm. Code 720.110;
- Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- Persons adding absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271 and 724.272 are complied with; and
- A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill.

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Adm. Code 733.

- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
- 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- 3) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
- 4) Lamps Mercury-containing-lamps, as described in 35 Ill. Adm. Code 733.105 733.107.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (1996) (1999), as amended at 64 Fed. Reg. 36488 (July 6, 1999). Subsection (h)(14) of this Section was added pursuant to Section 22-23a--of--the--Act--(415--HES 5/22-23a1--(see--PA-90-5027--effective--August-197-19977

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.161 Enforceable Document for Post-Closure Care

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.21. "Enforceable document containing alternative requirements" or "other enforceable document," as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) of this Section. An "enforceable document containing alternative requirements" or "other enforceable document," may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) (1999), ~~as added at 63--Fed--Reg--56735--(6Oct--227--19997~~.

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) shall be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 271.16(e) (1999), ~~as added at 63--Fed--Reg--56735--(6Oct--227--19997~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: APPLICATIONS

Section 703.183 General Information

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The following information is required in the Part B application for all HMM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724. Subpart C;
- g) A copy of the contingency plan required by 35 Ill. Adm. Code 724-Subpart D;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

- h) A description of procedures, structures, or equipment used at the facility to:
 - 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages;
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) Prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking

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lanes, if appropriate); a description of describe access road surfacing and load bearing capacity; and an indication of show traffic control signals;

- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface

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water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
 - 5) A wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HWM facility site;
 - 8) Access control (e.g., fences, gates, etc.);
 - 9) Injection and withdrawal wells both on-site and off-site;
 - 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
 - 11) Barriers for drainage or flood control;
 - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);
- BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case-by-case **case-by-case** basis.
- t) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
 - u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and
 - v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) [1999] (#1998).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 703.205 Incinerators that Burn Hazardous Waste

For facilities that incinerate hazardous waste, except as 35 Ill. Adm. Code

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724.440 and subsection (e) of this Section provide **provides** otherwise, the applicant must fulfill the requirements of subsections (a), (b), or (c) of this Section **below** in completing the Part B application:

- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (1) Ignitable, corrosive, or reactive wastes only:
- 1) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- 2) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone; or
- 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.Subpart C; or
- 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3) or (a)(6) through (a)(8) and that it will not be burned when other hazardous wastes are present in the combustion zone; or
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq.; or
- c) In lieu of a trial burn, the applicant may submit the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned including:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable) or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.Appendix H that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721.Appendix H that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA W-95-111-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by

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the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA W-95-111-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110;

- E) A quantification of those hazardous constituents in the waste that may be designated as POCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

- 2) A detailed engineering description of the incinerator, including:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;
 - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff systems **system(s)**;
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) of this Section above. This analysis should specify the POCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns **burn(s)** including:
 - A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
 - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);
 - C) The certification and results required by subsection (b) of this Section **above**;
- 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445 including:
 - A) Expected carbon monoxide (CO) level in the stack exhaust

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- gas;
- B) Waste feed rate;
 - C) Combustion zone temperature;
 - D) Indication of combustion gas velocity;
 - E) Expected stack gas volume, flow rate, and temperature;
 - F) Computed residence time for waste in the combustion zone;
 - G) Expected hydrochloric acid removal efficiency;
 - H) Expected fugitive emissions and their control procedures;
 - I) Proposed waste feed cut-off limits based on the identified significant operating parameters.
- 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of 35 Ill. Adm. Code 724.Subpart O and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act;
- 8) Waste analysis data, including that submitted in subsection (c)(1) of this Section above, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit PORCs) those constituents for which Destruction and removal efficiencies will be required;
- d) The Agency shall approve a permit application without a trial burn if it finds that:
- 1) The wastes are sufficiently similar; and
 - 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.
- e) When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance, the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).
- BOARD NOTE: Derived from 40 CFR 270.19 (1993) (1992), as amended at 64 58 Fed. Reg. 53076 (September 30, 1999) (1992), 46051 (Aug-31-1993).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the

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federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR part 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

a) Trial burns.

- 1) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCL) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.
 - A) Under subsection (a)(2) through (a)(5) of this Section below and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
 - B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) of this Section below.
- 2) Waiver of trial burn of DRE (destruction removal efficiency).
 - A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.
 - B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator shall submit:
 - i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
 - ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in 35 Ill. Adm. Code 721.Appendix H, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for

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their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, incorporated by reference in see 35 Ill. Adm. Code 726.206(b)(11).

iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii) of this Section above using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).

iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) of this Section above using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(b). The Agency shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.

v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) of this Section above quantified in conformance with subsection (a)(2)(B)(iv) of this Section above does not exceed the allowable ambient level established in 35 Ill. Adm. Code 726-Appendix D or E. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in 35 Ill. Adm. Code 726-Appendix D or risk-specific doses does has not been established in 35 Ill. Adm. Code 726-Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to 35 Ill. Adm. Code 726-Appendix D.

3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator shall submit:

- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
- Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection.

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- Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use as provided by 35 Ill. Adm. Code 726.206(b)(3) through (5);
- Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;
- Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.

4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) of this Section above.

5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions by HCl and chlorine gas without requiring a trial burn, the owner or operator shall submit:

- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

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- 6) Data in lieu of trial burn. The owner or operator may seek exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing of trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency shall approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information shall be submitted:
- A) For a waiver from any trial burn:
- A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection.
- B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in 35 Ill. Adm. Code 721-Appendix H that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

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- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. Owners and operators of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall submit the following information at a minimum:
- Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
 - Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
 - Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels, feedstocks, and destruction of hydrocarbon emissions from nonfuel sources;
 - Trial burn plan to:
 - Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
 - Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721-Appendix H that are emitted when burning hazardous waste;
 - Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
 - Such other information as the Agency finds necessary to achieve the purposes of this subsection.
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Agency finds necessary to achieve the purposes of this subsection.
- d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill.

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Adm. Code 726.211.

- f) Residues. Owners and operators that claim that their residues are excluded from regulation under the provision of 35 Ill. Adm. Code 726.212 shall submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) †1999†.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.220 Emergency Permits

- a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit:

- 1) To a non-permitted facility to allow treatment, storage or disposal of hazardous waste; or
 - 2) To a permitted facility to allow treatment, storage or disposal of a hazardous waste not covered by an effective permit.
- b) This emergency permit must comply with all of the following requirements:

- 1) May be oral or written. If oral, it must be followed in five days by a written emergency permit.⁷
- 2) Shall not exceed 90 days in duration.⁷
- 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal.⁷
- 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment.⁷
- 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:
 - A) Name and address of the office granting the emergency authorization;
 - B) Name and location of the permitted HWM facility;
 - C) A brief description of the wastes involved;
 - D) A brief description of the action authorized and reasons for authorizing it; and
 - E) Duration of the emergency permit.⁷ and
- 6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- 7) Emergency permits that which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX

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of the Environmental Protection Act and 35 Ill. Adm. Code 104. BOARD NOTE: Derived from 40 CFR 270.61 (1999) †1996†.

(Source: Section 703.221 renumbered to Section 703.220 and amended at 24 Ill. Reg. _____, effective _____)

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator demonstrates compliance with the air emission standards and limitations of the Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) in 40 CFR part 63, subpart EEP, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of Sections 703.221 through 703.225 do not apply. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (1999), as added at 64 Fed. Reg. 53077 (September 30, 1999).

(Source: Old Section 703.221 renumbered to Section 703.220 and new Section 703.221 added at 24 Ill. Reg. _____, effective _____)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) of in 40 CFR part 63, subpart EEP, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the

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boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish permit conditions in the pretrial burn period Pretrial-Burn-Period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35

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Ill. Adm. Code 726.202(e).

C) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721. Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.⁷

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110,

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or other equivalent; and

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

3) A detailed engineering description of the boiler or industrial furnace, including:

- A) Manufacturer's name and model number of the boiler or industrial furnace;
- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff systems ~~system(s)~~;
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.

4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.

5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates ~~dates~~, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.

6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

7) A description of and planned operating conditions for any emission control equipment that will be used.

8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) of this Section.

d) Trial burn procedures.

1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

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2) The Agency shall approve a trial burn plan if the Agency finds that:

A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

B) The trial burn itself will not present an imminent hazard to human health and the environment;

C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and

D) The information sought in the trial burn cannot reasonably be developed through other means.

3) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

B) This notice must contain:

- i) The name and telephone number of applicant's contact person;
- ii) The name and telephone number of the Agency regional office appropriate for the facility;
- iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
- iv) An expected time period for commencement and completion of the trial burn.

4) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

6) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.1126.

e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify

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(based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721.Subpart D, the hazardous waste organic constituents ~~constituent~~ identified in 35 Ill. Adm. Code 721.Appendix G as the basis for listing.

- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):

- A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
- B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
- C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);

3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;

4) When a trial burn for PM, metals, or HCl and chlorine ~~hexachlorine~~ gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;

5) When a trial burn for DRE, metals, and HCl and chlorine ~~hexachlorine~~ gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride ~~chlorine/chloride~~;

6) An identification of sources of fugitive emissions and their

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means of control:

- 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). The Agency shall announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) (#9967).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART H: REMEDIAL ACTION PLANS

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Section 703.301 General Information

- a) What is a RAP?
- 1) A RAP is a special form of RCRA permit that an owner or operator may obtain instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 702.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.
 - 2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.
 - 3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.
 - 4) A RAP may be either of the following:
 - A) A stand-alone document that includes only the information and conditions required by this Subpart H; or
 - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
 - 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
 - 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Derived from 40 CFR 270.80 (1999)7-added-at-63-Fed-Reg-65942-(Nov-30-1998).

- b) When does an owner or operator need a RAP?
- 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator shall obtain either of the following:
 - A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or
 - B) A RAP according to this Subpart H.
 - 2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.
 - 3) An owner or operator may obtain a RAP for managing hazardous

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remediation waste at an already permitted RCRA facility. An owner or operator shall have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator shall submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified, revoked and reissued, or terminated, or when it expires, the permit will be modified according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283. If it will be revoked and reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or if it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Derived from 40 CFR 270.85 (1999)7-added-at-63-Fed-Reg-65942-(Nov-30-1998).

- c) Does a RAP grant an owner or operator any rights or relieve it of any obligations? The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Derived from 40 CFR 270.90 (1999)7-added-at-63-Fed-Reg-65942-(Nov-30-1998). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 703.303 Getting a RAP Approved

- a) What is the process for approving or denying an application for a RAP?
- 1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency shall then prepare a draft RAP and provide an opportunity for

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public comment before making a final decision on the RAP application, according to this Subpart H.

- 2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation required management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act (415 ILCS 5/39). After making this tentative decision, the Agency shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.130 (1999), added-at-63-Ped--Reg-65943--(Nov-30-1998).

- b) What must the Agency include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:

- 1) The information required under Section 703.302(d)(1) through (d)(6);
- 2) The following terms and conditions:
 - A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;
 - B) The terms and conditions in Subpart F of this Part;
 - C) The terms and conditions for modifying, revoking and renewing, and terminating the RAP, as provided in Section 703.304(a); and
 - D) Any additional terms or conditions that the Agency determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and
- 3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency shall clearly identify the components of that document that constitute the draft RAP.

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BOARD NOTE: Derived from 40 CFR 270.135 (1999), added-at-63-Ped--Reg-65943--(Nov-30-1998).

- c) What else must the Agency prepare in addition to the draft RAP or notice of intent to deny? Once the Agency has prepared the draft RAP or notice of intent to deny, it shall then do the following:

- 1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;
- 2) Compile an administrative record, including the following information:
 - A) The RAP application, and any supporting data furnished by the applicant;
 - B) The draft RAP or notice of intent to deny;
 - C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
 - D) Any other documents that support the decision to approve or deny the RAP; and
- 3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.140 (1999), added-at-63-Ped--Reg-65943--(Nov-30-1998).

- d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

- 1) The Agency shall publish notice of its intent as follows:
 - A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;
 - B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;
 - C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and
 - D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.
- 2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.
- 3) The notice required by subsection (d)(1) of this Section must

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include the following information:

- A) The name and address of the Agency office processing the RAP application;
- B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;
- C) A brief description of the activity the RAP will regulate;
- D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
- E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;
- F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;
- G) If a hearing is not scheduled, a statement of procedures to request a hearing;
- H) The location of the administrative record, and times when it will be open for public inspection; and
- I) Any additional information that the Agency considers necessary or proper.

4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency shall schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

- A) A reference to the date of any previous public notices relating to the RAP application;
- B) The date, time, and place of the hearing; and
- C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 270.145 [1999], ~~added-at-63-Ped-Reg-65943-(Nov-30-1998)~~.

- e) How must the Agency make a final decision on a RAP application?
 - 1) The Agency shall consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may

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- 2) revise the draft RAP based on those comments, as appropriate. If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.
- 3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.
- 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.
- 5) When the Agency issues its final RAP decision, it shall refer to the procedures for appealing the decision under subsection (f) of this Section.
- 6) Before issuing the final RAP decision, the Agency shall compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:
 - A) All comments received during the public comment period;
 - B) Tapes or transcripts of any hearings;
 - C) Any written materials submitted at these hearings;
 - D) The responses to comments;
 - E) Any new material placed in the record since the draft RAP was issued;
 - F) Any other documents supporting the RAP; and
 - G) A copy of the final RAP.
- 7) The Agency shall make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.150 [1999], ~~added-at-63-Ped-Reg-65944-(Nov-30-1998)~~.

- f) May the decision to approve or deny a RAP application be administratively appealed?
 - 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code

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705.212. Any person that did not file comments, or did not participate in any public hearings ~~hearings~~ on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under 35 Ill. Adm. Code 705 Subpart D and 705.212(c), the Agency shall give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:

- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
- B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
- C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Derived from 40 CFR 270.155 (1993) ~~y-added-at-63-Fed-Reg-65944--(Nov-30-1998)~~.

g) When does a RAP become effective? A RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

- 1) The Agency specifies a later effective date in its decision;
- 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or
- 3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Derived from 40 CFR 270.160 (1993) ~~y-added-at-63-Fed-Reg-65944--(Nov-30-1998)~~. The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ICLS 5/40(a)(1)].

h) When may an owner or operator begin physical construction of new units permitted under the RAP? An owner or operator shall not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a final ~~final~~ effective RAP.

BOARD NOTE: Derived from 40 CFR 270.165 (1993) ~~y-added-at-63-Fed-Reg-65944--(Nov-30-1998)~~.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency shall specify, either directly or by reference, procedures for any future modification, revocation and re-issuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.302(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Derived from 40 CFR 270.170 (1993) ~~y-added-at-63-Fed-Reg-65944--(Nov-30-1998)~~.

b) For what reasons may the Agency choose to modify a final RAP?

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons do listed in this Section exist. If one or more of these reasons do not exist, then the Agency shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

- A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;
- B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
- C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;
- D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;
- E) The owner or operator is not in compliance with conditions of its RAP;
- F) The owner or operator failed in the application or during

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the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;

G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP; or

H) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, 705, and 720 through 726.

3) The Agency shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.175 (1999) re-added-at-63-Ped-Reg-65944-(Novr-30r-1998).

c) For what reasons may the Agency choose to revoke and reissue a final RAP?

1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency shall not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.

2) The Agency shall not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.180 (1999) re-added-at-63-Ped-Reg-65945-(Novr-30r-1998).

d) For what reasons may the Agency choose to terminate a final RAP, or deny a renewal application? The Agency may terminate a final RAP on its own initiative, or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Derived from 40 CFR 270.185 (1999) re-added-at-63-Ped-Reg-65945-(Novr-30r-1998).

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e) May the decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?

1) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, revocation and reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

2) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, revocation and reissuance, or termination to the Board. Any person that did not file comments or which did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

3) The procedure for appeals of RAPs is as follows:

A) The person appealing the decision shall send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) (1999) re-added-at-63-Ped-Reg-65945-(Novr-30r-1998) allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Derived from 40 CFR 270.190 (1999) re-added-at-63-Ped-Reg-65945-(Novr-30r-1998). The corresponding Federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

f) When will a RAP expire? RAPs must be issued for a fixed term, not to

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exceed 10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency shall review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency shall follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and RCRA sections 3004 and 3005.

BOARD NOTE: Derived from 40 CFR 270.195 [1999]r-added-at-69-Fed--Reg-65945-(Nov-30-1998).

- g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.200 [1999]r-added-at-63-Fed--Reg-65945-(Nov-30-1998).

- h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Derived from 40 CFR 270.205 [1999]r-added-at-69-Fed--Reg-65945-(Nov-30-1998).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?

- a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.
- b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency shall approve a RAP for this alternative location.
- c) An owner or operator shall request the RAP, and the Agency shall approve or deny the RAP, according to the procedures and requirements in this Subpart H of this Part.

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- d) A RAP for an alternative location must also meet the following requirements, which the Agency shall include in the RAP for such locations:

- 1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;
- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
- 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;
- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time (the owner or operator shall demonstrate compliance with this standard through the requirements in Section 703.183(k)). (See the definitions of terms in 35 Ill. Adm. Code 724.118(a)).

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 264, Appendix VI.

- e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

- 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
- 2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of 35 Ill. Adm. Code 724.Subparts B, C, and D.

BOARD NOTE: Derived from 40 CFR 270.230 [1999]r-added-at-63-Fed--Reg-65946-(Nov-30-1998).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 703.APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting, or maintenance.
 - 2 b. Other changes.
5. Schedule of compliance:

- 1* 1. a. Changes in interim compliance dates, with prior approval of the Agency.

- 3 b. Extension of final compliance date.

- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

- 1* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.

- 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

- 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

- 2 d. Other changes.

2. Changes to analytical quality assurance or quality control quality assurance-control plan:

- 1 a. To conform with agency guidance or regulations.

- 2 b. Other changes.

- 1 3. Changes in procedures for maintaining the operating record.

- 2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

- 2 a. That affect the type or decrease the amount of training given to employees.

- 1 b. Other changes.

6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).

- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

- 2 c. Removal of equipment from emergency equipment list.

- 1 d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. COA plan:

- 1 a. Changes that the COA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

- 2 b. Other changes.

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Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

C. Groundwater Protection

1. Changes to wells:

2 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

2* 4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents, or concentration limits (including Acls (Alternate Concentration Limits)): a. As specified in the groundwater protection standard.

2 b. As specified in the detection monitoring program.

2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.

7. Compliance monitoring program:

3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.

2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.

8. Corrective action program:

3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.

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2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:

1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.

1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.

1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.

1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.

2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).

3 2. Creation of a new landfill unit as part of closure.

3. Addition of the following new units to be used temporarily for closure activities:

3 a. Surface impoundments.

3 b. Incinerators.

3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).

2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).

2 e. Tanks or containers (other than specified below).

1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

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- 2 g. Staging piles.
- E. Post-Closure
- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.
- F. Containers
1. Modification or addition of container units:
- 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Modification or addition of container units of the treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 49 CFR 268.60-720-106, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of container units without an increased capacity or alteration of the system:
- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.

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3. Storage of different wastes in containers, except as provided in F(4):
- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
4. Storage or treatment of different wastes in containers:
- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 49 CFR 268.60-720-106, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- G. Tanks
1. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 3 a. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

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- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.84(f)(2)(ii) incorporated by reference in 35 IAC Admin Code 720.198, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:

- a. The capacity difference is no more than 1500 gallons,
- b. The facility's permitted tank capacity is not increased, and
- c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment processes from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.84(f)(2)(ii) incorporated by reference in 35 IAC Admin Code 720.198. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.

- 3 2. Replacement of a surface impoundment unit.

- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.

- 2 4. Modification of a surface impoundment management practice.

5. Treatment, storage, or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of use of practically available technology that yields the greatest environmental benefit contained in 49 CFR 268.6(f)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.109, and provided that the unit meets the minimum technological requirements stated in 49 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.109. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(b)(2), incorporated by reference in 35 Ill. Adm. Code 728.109, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).
7. Changes in response action plan:
 - 3 a. Increase in action leakage rate.
 - 3 b. Change in a specific response reducing its frequency or effectiveness.
 - 2 c. Other changes.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- I. Enclosed Waste piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).
 1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

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- 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
- 2 2. Modification of waste pile unit without increasing the capacity of the unit.
- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2 4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
 - 3 a. That require additional or different management practices or different design of the unit.
 - 2 b. That do not require additional or different management practices or different design of the unit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- J. Landfills and Unenclosed Waste Piles
 - 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
 - 3 2. Replacement of a landfill.
 - 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
 - 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
 - 2 5. Modification of a landfill management practice.
 6. Landfill different wastes:

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- 3 a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of use of practically available technology that yields the greatest environmental benefit contained in 40 CFR 268.5(h)(2), 368.8(a)(3)(ii), incorporated by reference in 35 Ill. Adm. Code 720.308, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 720.305. This modification is in not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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| K. | Land Treatment |
| 3 1. | Lateral expansion of or other modification of a land treatment unit to increase area extent. |
| 2 2. | Modification of runoff control system. |
| 3 3. | Modify runoff control system. |
| 2 4. | Other modification of land treatment unit component specifications or standards required in permit. |
| 5. | Management of different wastes in land treatment units: |
| 3 | a. That require a change in permit operating conditions or unit design specifications. |
| 2 | b. That do not require a change in permit operating conditions or unit design specifications. |

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. Increase rate or change method of waste application.
- 1 b. Decrease rate of waste application.

- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).

- 3 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.

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2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

2 13. Changes in sampling, analysis, or statistical procedure.

2 14. Changes in land treatment demonstration program prior to or during the demonstration.

1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial

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burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

Operating requirements:

3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum or maximum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance

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standards, unless this demonstration can be made through other means.

- 2 b. If the waste does not contain a PCB that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1 8. Substitution of an alternate type of non-hazardous waste fuel that is not specified in the permit.

- 1* 9. Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EPE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 703.280(j) are followed.

- M. Containment Buildings.

1. Modification or addition of containment building units:

- 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

- 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

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- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a containment building with a containment building that meets the same design standards provided:

- 1 a. The unit capacity is not increased.

- 1 b. The replacement containment building meets the same conditions in the permit.

- 2 4. Modification of a containment building management practice.

5. Storage or treatment of different wastes in containment buildings:

- 3 a. That require additional or different management practices.

- 2 b. That do not require additional or different management practices

- N. Corrective Action.

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.

- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: * indicates modification requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1992) (1998), as amended at 6463 Fed. Reg. 53077 (September 30, 1999) 65941 (Nov-30-1998).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) **Heading of the Part:** Standards Applicable To Generators Of Hazardous Waste
- 2) **Code citation:** 35 Ill. Adm. Code 722
- 3) **Section Numbers:**
722-134
Proposed Action:
- 4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, and 27.
- 5) **A complete description of the subjects and issues involved:**

A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13
Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste

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combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 56469
(October 20, 1999)

64 Fed. Reg. 63209
(November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414
(December 30, 1999)

40 CFR 136 amendments

Specifically, the amendments to Part 722 implement segments of the federal October 20, 1999 corrections to the Phase IV LDRs. The amendments also make a number of corrections requested by the Joint Committee on Administrative Rules (JCAR).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 722 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous

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waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

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- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110 Purpose, Scope and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120 General Requirements
722.121 Acquisition of Manifests
722.122 Number of Copies
722.123 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150 Applicability
722.151 Definitions

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722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping
722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Notification and Consent
722.184 Tracking Document
722.185 Contracts
722.186 Provisions Relating to Recognized Traders
722.187 Reporting and Recordkeeping
722.189 OECD Waste Lists

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective

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November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. _____.

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), or (f) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

1) The waste is placed in or on one of the following:

- A) In containers, and the generator complies with 35 Ill. Adm. Code 725.Subparts I, Aa, Bb, and Cc;
- B) In tanks, and the generator complies with 35 Ill. Adm. Code 725.Subparts J, Aa, Bb, and Cc, except 35 Ill. Adm. Code 725.297(c) and 725.300;
- C) On drip pads, and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:

- i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sum or collection system and the date and time of removal; or
- D) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
 - i) A written description of procedures to ensure that

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each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to respecting the 90 day limit, and documentation that the procedures are complied with; or

- ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The "in addition" phrase in subsection (a) that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section. Begins is clearly

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
- 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(5) 728-287(a)(4).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (Agency procedural regulations).
- c) Accumulation near the point of generation.
 - 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:
 - A) Complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and
 - B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of

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this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:
- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;

- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I (except 35 Ill. Adm. Code 725.276 and 725.278);

- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, 35 Ill. Adm. Code 725.Subpart C, and 35 Ill. Adm. Code 728.107(a)(5); and

- 5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

- B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.

- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and
- iii) In the event of a fire, explosion, or other release

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that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and USPSA identification number (Section 722.112 of this Part) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

- e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

- f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3) Section Numbers:
724.101 Amended
724.440 Amended
724.701 Amended
724.983 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13
Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this part, the Board will describe the docket as a whole, since amendments to various parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466
(July 6, 1999)
USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.

64 Fed. Reg. 52828
(September 30, 1999)
USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these

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amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 56469
(October 20, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

64 Fed. Reg. 63209
(November 19, 1999)

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414
(December 30, 1999)
40 CFR 136 amendments

Specifically, the amendments to Part 724 implement segments of the federal July 6, 1999 designation of lamps as universal waste and the September 30, 1999 hazardous waste combustor rule. The amendments also make a number of corrections requested by the Joint Committee on Administrative Rules (JCAR).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 724 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Sections 724.440(b)(1) and 724.701, the addition of 40 CFR 63, Subpart

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EEB, incorporated by reference in 35 Ill. Adm. Code 720.111.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous

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waste permit for combustion of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope, and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan

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Emergency Coordinator

724.155

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Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-closure Care and Use of Property
724.218 Post-Closure Care Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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Section
724.240 Applicability
724.241 Definitions of Terms As Used In This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
724.244 Cost Estimate for Post-closure Care
724.245 Financial Assurance for Post-closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.249 Wording of the Instruments
724.251

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Design and Operating Requirements
Action Leakage Rate
Response Actions
Monitoring and Inspection
Emergency Repairs; Contingency Plans
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
Air Emission Standards

SUBPART L: WASTE PILES

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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724.350 Applicability
724.351 Condition of Containers
724.352 Compatibility of Waste With Container
724.353 Management of Containers
724.354 Inspections
724.355 Containment
724.356 Special Requirements for Ignitable or Reactive Waste
724.357 Special Requirements for Incompatible Wastes
724.358 Air Emission Standards
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Applicability
Design and Operating Requirements
Action Leakage Rate
Response Action Plan
Monitoring and Inspection
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Closure and Post-closure Care
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

SUBPART J: TANK SYSTEMS

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724.370 Applicability
724.371 Treatment Program
724.372 Design and Operating Requirements
724.373 Food-chain Crops
724.376 Unsaturated Zone Monitoring
724.379 Recordkeeping
724.380 Closure and Post-closure Care
724.381 Special Requirements for Ignitable or Reactive Waste
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Applicability
Treatment Program
Design and Operating Requirements
Food-chain Crops
Unsaturated Zone Monitoring
Recordkeeping
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

SUBPART K: SURFACE IMPOUNDMENTS

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724.400 Applicability
724.401 Design and Operating Requirements
724.402 Action Leakage Rate

Applicability
Design and Operating Requirements
Action Leakage Rate

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724.403 Monitoring and Inspection
 724.404 Response Actions
 724.409 Surveying and Recordkeeping
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 724.412 Special Requirements for Ignitable or Reactive Waste
 724.413 Special Requirements for Incompatible Wastes
 724.414 Special Requirements for Bulk and Containerized Liquids
 724.415 Special Requirements for Containers
 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section
 724.440 Applicability
 724.441 Waste Analysis
 724.442 Principal Organic Hazardous Constituents (POHCs)
 724.443 Performance Standards
 724.444 Hazardous Waste Incinerator Permits
 724.445 Operating Requirements
 724.447 Monitoring and Inspections
 724.451 Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section
 724.652 Corrective Action Management Units
 724.653 Temporary Units
 724.654 Staging Files

SUBPART W: DRIP PADS

Section
 724.670 Applicability
 724.671 Assessment of existing drip pad integrity
 724.672 Design and installation of new drip pads
 724.673 Design and operating requirements
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SUBPART X: MISCELLANEOUS UNITS

Section
 724.700 Applicability
 724.701 Environmental Performance Standards
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective

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Action
 724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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 724.930 Applicability
 724.931 Definitions
 724.932 Standards: Process Vents
 724.933 Standards: Closed-Vent Systems and Control Devices
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
 724.950 Applicability
 724.951 Definitions
 724.952 Standards: Pumps in Light Liquid Service
 724.953 Standards: Compressors
 724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
 724.955 Standards: Sampling Connecting Systems
 724.956 Standards: Open-ended Valves or Lines
 724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
 724.958 Standards: Pumps, Valves, Pressure Relief Devices and Connectors
 724.959 Standards: Delay of Repair
 724.960 Standards: Closed-vent Systems and Control Devices
 724.961 Alternative Percentage Standard for Valves
 724.962 Skip Period Alternative for Valves
 724.963 Test Methods and Procedures
 724.964 Recordkeeping Requirements
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section
 724.980 Applicability
 724.981 Definitions
 724.982 Standards: General
 724.983 Waste Determination Procedures
 724.984 Standards: Tanks
 724.985 Standards: Surface Impoundments
 724.986 Standards: Containers
 724.987 Standards: Closed-vent Systems and Control Devices
 724.988 Inspection and Monitoring Requirements
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724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks

SUBPART DD: CONTAINMENT BUILDINGS

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724.1101 Design and operating standards
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APPENDIX A Recordkeeping Instructions
APPENDIX B EPA Report Form and Instructions (Repealed)
APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
APPENDIX E Groundwater Monitoring List
APPENDIX I Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7-2, 22.4 and 27).

SOURCE: Adopted in R82-131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16588, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9854, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9933, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

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NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1451-1454, 33 USC 1401) only to the extent they are included in the RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.
- BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
- e) The requirements of this Part apply to the owner or operator of a POWW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) The requirements of this Part do not apply to:
 - 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

- 2) The owner or operator of a facility managing recyclable materials

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- described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726 Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
 - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
 - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
 - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728-Table T) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
 - 7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
 - 8) Immediate response:
 - A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D of this Part.
 - C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
 - D) In the case of an explosives or munitions emergency

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- response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
 - 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
 - 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Thermosats, as described in 35 Ill. Adm. Code 733.104; and
 - D) ~~L~~ ~~am~~ ~~o~~ ~~n~~ ~~s~~ ~~Mercury-containing imp~~s, as described in 35 Ill. Adm. Code 733.105~~33-49~~.
- ~~BOA&B-NG&B---~~ ~~Subsection-19(1)(1)(b)-of-this-Section-was-added pursuant-to-Section-25-23a-of-the-Act-415-1868-5/22-23a1 (see-Pa-98-562-effective-August-19-1997).~~
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
 - i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
 - j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not

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remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites shall comply with the following requirements:

- 1) The owner or operator shall obtain an EPA identification number by applying to US EPA using USEPA form 8700-12;
- 2) The owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall keep the analysis accurate and up to date;
- 3) The owner or operator shall prevent people who are unaware of the danger from entering the site, and the owner or operator shall minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

- A) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that who may enter the active portion of the remediation waste management site, and
 - B) Disturbance of the waste or equipment by people or livestock that who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator shall inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall immediately take remedial action;
 - 5) The owner or operator shall provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
 - 6) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall prevent threats to human health

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and the environment from ignitable, reactive, and incompatible waste;

- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator shall not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator shall develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;
- 10) The owner or operator shall develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator shall designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the layout of all records within the facility, and the facility location. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
- 12) The owner or operator shall develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
- 13) The owner or operator shall maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART O: INCINERATORS

Section 724.440 Applicability

a) The regulations in this Subpart apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.

b) Integration of the MACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63. Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(l) and 63.1210(d), documenting compliance requirements of 40 CFR 63. Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act (415 ILCS 5/9.1 and 39.5) make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

CP) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste analysis) and Section 724.451 (Closure):

- 1) If the Agency finds that the waste to be burned is:
 - A) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
 - B) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.122(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
 - C) A hazardous waste solely because it possesses a characteristic of ignitability, as determined by the test

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for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or

D) A hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, that which would reasonably be expected to be in the waste.

CP) If the waste to be burned is one that which is described by subsections (b)(1)(A), (B), (C) or (D), above, and contains insignificant concentrations of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart, except Section 724.441 (Waste analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

CP) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short term and incinerator permits).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART X: MISCELLANEOUS UNITS

Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of 724-Subparts I through O and AA through CC of this Part, and 35 Ill. Adm. Code 702, 703, and 730, and 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

- a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering:
 - 1) The volume and physical and chemical characteristics of the waste

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- in the unit, including its potential for migration through soil, liners, or other containing structures;
- 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
 - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
 - 4) The quantity and direction of groundwater flow;
 - 5) The proximity to and withdrawal rates of current and potential groundwater users;
 - 6) The patterns of land use in the region;
 - 7) The potential for deposition or migration of waste constituents into subsurface physical structures and the root zone of food-chain crops and other vegetation;
 - 8) The potential for health risks caused by human exposure to waste constituents; and
 - 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, in wetlands, or on the soil surface, considering:
- 1) The volume and physical and chemical characteristics of the waste in the unit;
 - 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
 - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
 - 4) The patterns of precipitation in the region;
 - 5) The quantity, quality, and direction of groundwater flow;
 - 6) The proximity of the unit to surface waters;
 - 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
 - 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
 - 9) The patterns of land use in the region;
 - 10) The potential for health risks caused by human exposure to waste constituents; and
 - 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:
- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
 - 2) The effectiveness and reliability of systems and structures to

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- reduce or prevent emissions of hazardous constituents to the air;
- 3) The operating characteristics of the unit;
 - 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
 - 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
 - 6) The potential for health risks caused by human exposure to waste constituents; and
 - 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
 - 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
 - A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
 - B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 724.982.
 - 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

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b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.

- 2) The waste determination for a treated hazardous waste must be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using tank Level 1 controls in accordance with standards specified in Section 724.984(c).

- 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities

2) Code citation: 35 Ill. Adm. Code 726

Section Numbers:	Proposed Action:
726.200	Amended
726.201	Amended
726.205	Amended
726.212	Amended

APPENDIX H

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 36466 (July 6, 1999)	USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste.
64 Fed. Reg. 52828 (September 30, 1999)	USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the

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hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air Pollutants applicable to such a facility.

64 Fed. Reg. 56469
(October 20, 1999)

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed. Reg. 63209
(November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.

64 Fed. Reg. 73414
(December 30, 1999)

40 CFR 136 amendments

Specifically, the amendments to Part 726 implement segments of the federal September 30, 1999 hazardous waste combustor rule, and the November 19, 1999 corrections to the hazardous waste combustor rule.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 726 includes incorporations by reference. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference for the purposes of the Illinois hazardous waste and underground injection control regulations. The present amendments include, at Section 726.200(b)(1), the addition of 40 CFR 63, Subpart EEE, incorporated by

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reference in 35 Ill. Adm. Code 720.111. The format of some incorporations was corrected in this action, and numerous other incorporations remain unaffected by the present amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

	PART 726
	STANDARDS FOR THE MANAGEMENT OF
	SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
	OF HAZARDOUS WASTE MANAGEMENT FACILITIES
	SUBPART C: RECYCLABLE MATERIALS USED IN A
	MANNER CONSTITUTING DISPOSAL
Section	Applicability
726.120	Standards applicable to generators and transporters of materials used
726.121	in a manner that constitutes disposal
726.122	Standards applicable to storers, who are not the ultimate users, of
	materials that are to be used in a manner that constitutes disposal
726.123	Standards Applicable to Users of Materials that are Used in a Manner
	that Constitutes Disposal

	SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY
Section	Applicability (Repealed)
726.130	Prohibitions (Repealed)
726.131	Standards applicable to generators of hazardous waste fuel (Repealed)
726.132	Standards applicable to transporters of hazardous waste fuel
726.133	(Repealed)
726.134	Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135	Standards applicable to burners of hazardous waste fuel (Repealed)
726.136	Conditional exemption for spent materials and by-products exhibiting
	a characteristic of hazardous waste (Repealed)

	SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)
Section	Applicability (Repealed)
726.140	Prohibitions (Repealed)
726.141	Standards applicable to generators of used oil burned for energy
726.142	recovery (Repealed)
726.143	Standards applicable to marketers of used oil burned for energy
	recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy
	recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

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operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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PRECIOUS METAL RECOVERY

Section
726.170

Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMEDSection
726.180

Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section

726.200

Applicability

Management prior to Burning

726.201

Permit standards for Burners

726.202

Interim Status Standards for Burners

726.203

Standards to Control Organic Emissions

726.204

Standards to Control PM

726.205

Standards to Control Metals Emissions

726.206

Standards to Control HCl and Chlorine Gas Emissions

726.207

Small quantity On-site Burner Exemption

726.208

Low risk waste exemption

726.209

Waiver of DRE trial burn for Boilers

726.210

Standards for direct Transfer

726.211

Regulation of Residues

726.212

Extensions of Time

726.219

SUBPART M: MILITARY MUNITIONS

Section

726.300

Applicability

726.301

Definitions

726.302

Standards Applicable to the Transportation of Solid Waste

726.303

Munitions

726.304

Standards Applicable to Emergency Responses

726.305

Standards Applicable to the Storage of Solid Waste Military Munitions

726.306

Standards Applicable to the Treatment and Disposal of Waste Military

Munitions

Tier I and Tier II Feed Rate and Emissions Screening Limits for
Metals

Tier I Feed Rate Screening Limits for Total Chlorine

Tier II Emission Rate Screening Limits for Free Chlorine and

Hydrogen Chloride

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Reference Air Concentrations

APPENDIX D

Risk Specific Doses

APPENDIX E

Stack Plume Rise

APPENDIX F

Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX G

Potential FICs for Determination of Exclusion of Waste-Derived

APPENDIX H

Residues

APPENDIX I

Methods Manual for Compliance with BIF Regulations

APPENDIX J

Guideline on Air Quality Models

APPENDIX K

Lead-Bearing Materials That May Be Processed in Exempt Lead

APPENDIX L

Smelters

APPENDIX M

Nickel or Chromium-Bearing Materials that may be Processed in

Exempt Nickel-Chromium Recovery Furnaces

Mercury-Bearing Wastes That May Be Processed in Exempt Mercury

Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R65-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12300, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35

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11l. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f) of this Section. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

b) Integration of the MACT standards.

1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an affected source demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63. Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance with the requirements of 40 CFR 63.1210(d), documenting compliance with this demonstration of 40 CFR 63. Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The following standards continue to apply:

- A) The closure requirements of Sections 726.202(e)(11) and 726.203(1);
- B) The standards for direct transfer of Section 726.211;
- C) The standards for regulation of residues of Section 726.312; and
- D) The applicable requirements of Subparts A through H, BB and CC of 35 Ill. Adm. Code 724 and 725.

3b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
- 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
- 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
- 4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.

de) Owners and operators of smelting, melting, and refining furnaces

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(including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing shall comply with the requirements of subsection (d)(3) of this Section, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63. Subpart X shall comply with the requirements of subsection (h) of this Section:

A) Provide a one-time written notice to the Agency indicating the following:

- i) The owner or operator claims exemption under this subsection;
- ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this Section;
- iii) The hazardous waste contains recoverable levels of metals; and
- iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection.

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H

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exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section; or the hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section.

- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, Subpart X, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing shall provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) of this Section. The owner or operator shall comply with the requirements of subsection (c)(1) of this Section for those wastes claimed to be exempt under that subsection and with the following requirements for those wastes claimed to be exempt under this subsection:
 - A) The hazardous wastes listed in Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this Section, provided that:
 - i) A waste listed in Appendix K of this Part must contain recoverable levels of lead; a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium; a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of 35 Ill. Adm. Code 261.Appendix H organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
 - ii) The waste does not exhibit the toxicity characteristic toxicity--Characteristic of 35 Ill. Adm. Code 721.124

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for an organic constituent;

- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.Appendix G; and
- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) of this Section, and records to document compliance with subsection (c)(3) of this Section must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:
 - i) The concentration and toxicity of organic constituents in the material;
 - ii) The level of destruction of toxic organic constituents provided by the furnace; and
 - iii) Whether the acceptable ambient levels established in Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

g) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

- fe) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
 - gf) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt

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from regulation under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:
 - A) The owner or operator claims exemption under this Section,
 - B) The hazardous waste is burned for legitimate recovery of precious metal, and
 - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method or performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, Subpart X, is conditionally exempt from regulation under this Subpart, except for Section 726.201. To become exempt, an owner or operator shall provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this subsection (b). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in 35 Ill. Adm. Code 721-Appendix H of less than 500 ppm by weight, as fired and as provided in subsection (d)(2)(A) of this Section, or is listed in Appendix K to this Part.

- i) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the

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detector response at least once every 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" or "m(3)" means cubic meters.

"E" means "ten to the power". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(i), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

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"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D of this Part.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E of this Part.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-dioxin and Dibenzofuran Congeners" incorporated by reference in Appendix I of this Part.

"mg" means microgram.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 726.201 Management prior to Burning

- Generators. Generators of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 722.
- Transporters. Transporters of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 723.
- Storage and treatment facilities.
 - An owner or operator of a facility ~~Owners--and--operators--of~~

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~~facilities~~ that stores or treats ~~store~~ hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 724 and 725 ~~724-Subparts-A-through-B~~ ~~75-III--Adm--Code-725-Subparts-A-through-B~~ and 35 Ill. Adm. Code 702 and 703, except as provided by subsection (c)(2) of this Section below. These standards apply to storage and treatment by the burner as well as to any storage or treatment facility facilities operated by an intermediary ~~intermediaries~~ (a processor, blender, distributor ~~processors, blenders, distributors, etc.~~) between the generator and the burner. of a facility ~~Owners--and--operators--of~~ facilities that burns burn, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is they--generate--are exempt from regulation under 35 Ill. Adm. Code 724 and 725 ~~724-Subparts-A-through-B~~ ~~75-III--Adm--Code-725-Subparts-A-through-B~~ and 35 Ill. Adm. Code 702 and 703 applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in subsection (c)(1) of this Section above.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 726.205 Standards to control PM

- A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard cu m (10.08 grains/dry standard cubic foot) after correction to a stack gas concentration of 7% oxygen, using procedures prescribed in 40 CFR 60, Appendix A, methods 1 through 5, incorporated by reference in 35 Ill. Adm. Code 720.111, and incorporated by reference in Appendix I of this Part ~~4-III--Adm--Code-720.111~~.
- An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.
- Oxygen correction.
 - Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times 14 / (E - Y)$$

Where:

P_c is the corrected concentration of the pollutant in the stack gas.

P_m is the measured concentration of the pollutant in the stack gas.

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E is the oxygen concentration on the dry basis in the combustion air fed to the device, and Y is the measured oxygen concentration on a dry basis in the stack.

- 2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

- 3) Compliance with all emission standards provided by this subpart must be based on correcting to seven percent oxygen using this procedure.

(d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:
 - 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
 - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight normal, nonhazardous raw materials;
 - 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials;
- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:
 - 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:
 - i) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:
 - i) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:

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attributable to burning or processing the hazardous waste (constituents of concern) including toxic constituents in the hazardous waste, and the organic compounds listed in 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:

- i) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8) unless the device and the owner or operator meet the following requirements:

- A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Residue Determinations" incorporated by reference in Section 726.212 Appendix I of this Part.

- B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A) of this Section above. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours.

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If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

- 2) Comparison of waste-derived residue concentrations with health-based limits.

A) Nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1) of this Section above) in the waste-derived residue must not exceed the health-based level specified in Section 726-Appendix G of this Part, or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-8-84-BPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G of this Part, then a limit of 0.002 mg/kg or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 8-8-84-BPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used. The levels specified in Section 726-Appendix G of this Part (and the default level of 0.002 mg/kg or the level of detection for constituents, as identified in Note 1 of Section 726-Appendix G of this Part) are administratively stayed under the condition, for those constituents specified in subsection (b)(1) of this Section above, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 726.143 and 728-Table B for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA 8-8-84-BPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA 8-8-84-BPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and 728-Table B for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (D/F). Analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans. ~~nonwastewaters--the stay--will~~

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~~remain in effect until further rulemaking action is taken, and~~
 BOARD NOTE: In a note to corresponding 40 CFR 266.112(b)(2)(i) (1999), as amended at 64 Fed. Reg. 53076 (Sept. 30, 1999), USEPA stated as follows:

~~The administrative stay under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.~~

~~Under Section 3006(b) and (g) of RCRA, 42 USC Section 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.~~

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Section 726-Appendix G; and
- C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

- c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

- 1) Levels of constituents in 35 Ill. Adm. Code 721-Appendix H that are present in waste-derived residues;
- 2) If the waste-derived residue is compared with normal residue under subsection (b)(1) of this Section above:
 - A) The levels of constituents in 35 Ill. Adm. Code 721-Appendix H that are present in normal residues; and

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- B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 726.APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

PICs Found in Stack Effluents

Volatiles

Benzene
Toluene
Carbon tetrachloride
Chloroform
Methylene chloride
Trichloroethylene
Tetrachloroethylene
1,1,1-Trichloroethane
Chlorobenzene
cis-1,4-Dichloro-2-butene
Bromochloromethane
Bromodichloromethane
Bromoform
Bromomethane
Methylene bromide
Methyl ethyl ketone

Semivolatiles

Bis(2-ethylhexyl)phthalate
Naphthalene
Phenol
Diethyl phthalate
Butyl benzyl phthalate
2,4-Dimethylphenol
o-Dichlorobenzene
m-Dichlorobenzene
p-Dichlorobenzene
Hexachlorobenzene
2,4,6-Trichlorophenol
Fluoranthene
o-Nitrophenol
1,2,4-Trichlorobenzene
o-Chlorophenol
Pentachlorophenol
Pyrene
Dimethyl phthalate
Mononitrobenzene
2,6-Toluene disocyanate
Polychlorinate dibenzo-p-dioxins[1]
Polychlorinate dibenzo-furans[1]

[1]Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.).

BOARD NOTE: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) **Heading of the Part:** Standards for Universal Waste Management General
- 2) **Code citation:** 35 Ill. Adm. Code 733
- 3) **Section Numbers:** Proposed Action:
- | | |
|---------|-----------------|
| 733.101 | Amend |
| 733.102 | Amend |
| 733.103 | Amend |
| 733.104 | Amend |
| 733.105 | Amend |
| 733.106 | Renumber |
| 733.107 | Repeal |
| 733.108 | Renumber, Amend |
| 733.109 | Renumber, Amend |
| 733.110 | Amend |
| 733.111 | Amend |
| 733.114 | Amend |
| 733.130 | Amend |
| 733.132 | Amend |
| 733.133 | Amend |
| 733.134 | Amend |
| 733.150 | Amend |
| 733.160 | Amend |
| 733.181 | Amend |
- 4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, 22.23a, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of March 2, 2000, proposing amendments in docket R00-13 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-13 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1999, through December 31, 1999.

The R00-13 docket amends rules in Parts 703, 720, 721, 722, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part,

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the Board will describe the docket as a whole, since amendments to various Parts may be interrelated. The following table briefly summarizes the federal actions in the update period:

- | | |
|--|--|
| 64 Fed. Reg. 36466
(July 6, 1999) | USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. This amounts to a relaxation of the existing requirements that regulate the lamps as hazardous waste. |
| 64 Fed. Reg. 52828
(September 30, 1999) | USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. One feature of these amendments is that a hazardous waste permit is no longer required of a hazardous waste combustor that has a Clean Air Act permit and which complies with the National Emission Standards for Hazardous Air pollutants applicable to such a facility. |
| 64 Fed. Reg. 56469
(October 20, 1999) | USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs). |
| 64 Fed. Reg. 63209
(November 19, 1999) | USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors. |
- The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although this action does not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updated the incorporation by reference.
- | | |
|---|-----------------------|
| 64 Fed. Reg. 73414
(December 30, 1999) | 40 CFR 136 amendments |
|---|-----------------------|

Specifically, the amendments to Part 733 implement the major segments of the federal July 6, 1999 designation of lamps as universal waste.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice

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or to Second Notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 733 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R00-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R00-13 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly affected are those small businesses, small municipalities, and not-for-profit corporations that generate, transport, or manage waste lamps and those that combust hazardous waste. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps. As to those engaged in hazardous waste combustion, the amendments would eliminate the need for many to maintain both a Clean

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Air Act permit for emission of hazardous air pollutants and a hazardous waste permit.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments actually constitute a relaxation of prior regulations as to those entities generating, transporting, or managing waste lamps and those that will no longer need a hazardous waste permit for combustion of hazardous waste.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section

733.101

733.102

733.103

733.104

733.105

733.106

733.107

733.108

733.109

Scope

Applicability--Batteries

Applicability--Pesticides

Applicability--Mercury Thermostats

Applicability--Lamps

Applicability--Household--and--Conditionally

Exempt--Small--Quantity--Generator--Waste

Definitions (Renumbered)

Applicability--Mercury-Containing Lamps (Repealed)

Applicability--Household and Conditionally Exempt

Generator Waste

Definitions

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Response to Releases

Off-Site Shipments

Tracking Universal Waste Shipments

Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section

733.150

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a) This Part establishes requirements for managing the following:

- 1) Batteries, as described in Section 733.102;
- 2) Pesticides, as described in Section 733.103;
- 3) Thermosats, as described in Section 733.104; and
- 4) ~~Landfill Mercury-containing tanks~~, as described in Section 733.105 733.106.

~~BOARD NOTE:--Subsection (a)(4) of this Section was added pursuant to--Section--23-23a--of--the--Act--(41CS-1168-5/22-23a)-(see-P.A. 90-502-effective-August-19-1997).~~

b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.102 Applicability--Batteries

a) Batteries covered under this Part.

- 1) The requirements of this Part apply to persons managing batteries, as described in Section 733.103 733.106, except those listed in subsection (b) of this Section below.

2) Spent lead-acid batteries that are not managed under 35 Ill. Adm. Code 726-Subpart G, are subject to management under this Part.

b) Batteries not covered under this Part. The requirements of this Part do not apply to persons managing the following batteries:

- 1) Spent lead-acid batteries that are managed under 35 Ill. Adm. Code 726-Subpart G.
- 2) Batteries, as described in Section 733.103 733.106, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section below.

3) Batteries, as described in Section 733.103 733.106, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721-Subpart C.

c) Generation of waste batteries.

- 1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
- 2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.103 Applicability--Pesticides

a) Pesticides covered under this Part. The requirements of this Part

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apply to persons managing pesticides, as described in Section 733.102 733.106, that meet the following conditions, except those listed in subsection (b) of this Section below:

1) Recalled pesticides:

- A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); 7 USC 136-67, Section 136g), including, but not limited to those owned by the registrant responsible for conducting the recall; or
- B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides not covered under this Part. The requirements of this Part do not apply to persons managing the following pesticides:

- 1) Recalled pesticides described in subsection (a)(1) of this Section above, and unused pesticide products described in subsection (a)(2) of this Section above, that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).)

2) Pesticides not meeting the conditions set forth in subsection (a) of this Section above must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728;

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section below or those that are not wastes as described in subsection (d) of this Section below; and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3) of this Section above) and either it is listed in 35 Ill. Adm. Code 721-Subpart D or it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721-Subpart C.

c) When a pesticide becomes a waste.

- 1) A recalled pesticide described in subsection (a)(1) of this Section above becomes a waste on the first date on which both of the following conditions apply:

- A) The generator of the recalled pesticide agrees to participate in the recall; and
- B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

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- 2) An unused pesticide product described in subsection (a)(2) of this Section ~~above~~ becomes a waste on the date the generator decides to discard it.
- d) Pesticides that are not wastes. The following pesticides are not wastes:

- 1) Recalled pesticides described in subsection (a)(1) of this Section ~~above~~, provided that:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

- 2) Unused pesticide products described in subsection (a)(2) of this Section ~~above~~, if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.104 Applicability--Mercury Thermostats

- a) Thermostats covered under this Part. The requirements of this Part apply to persons managing thermostats, as described in Section 733.109 733.106, except those listed in subsection (b) of this Section ~~below~~.
- b) Thermostats not covered under this Part. The requirements of this Part do not apply to persons managing the following thermostats.

- 1) Thermostats that are not yet wastes under 35 Ill. Adm. Code 721.1. Subsection (c) of this Section ~~below~~ describes when thermostats become wastes.
- 2) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it is a waste (see subsection (b)(1) of this Section ~~above~~) and it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.

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- c) Generation of waste thermostats.
- 1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).
- 2) An unused thermostat becomes a waste on the date the handler decides to discard it.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.105 Applicability--Lamps Applicability--Household----and Conditionally-Except-Small-Quantity-Generator-Waste

- a) Lamps covered under this Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b) of this Section.
- b) Lamps not covered under this Part. The requirements of this Part do not apply to persons that manage the following lamps:

- 1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c) of this Section.
- 2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.

Generation of waste lamps.

- 1) A used lamp becomes a waste on the date it is discarded.
- 2) An unused lamp becomes a waste on the date the handler decides to discard it.

(Source: Former Section 733.105 renumbered to Section 733.108 and new Section 733.105 added at 24 Ill. Reg. _____, effective _____)

Section 733.106 Definitions (Renumbered)

(Source: Section 733.106 renumbered to Section 733.109 at 24 Ill. Reg. _____, effective _____)

Section 733.107 Applicability--Mercury-Containing Lamps (Repealed)

- a) Mercury-containing lamps covered under this Part. The requirements of this Part apply to persons managing mercury-containing lamps, except those listed in subsection (b) of this Section.
- b) Mercury-containing lamps not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing lamps:
- 1) Mercury-containing lamps that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section.
- 2) Mercury-containing lamps that are not hazardous waste.

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mercury-containing-lamp-is-not-a-hazardous-waste-if-it-does-not exist-one-or-more-of-the-characteristics-identified-in-35-iii-Adm-Code-721-Subpart-6r

- c) Generation-of-waste-mercury-containing-lamp
 1) A-used-mercury-containing-lamp-becomes-a-waste-on-the-date-the handler-permanently-removes-it-from-its-fixture
 2) An-unused-mercury-containing-lamp-becomes-a-waste-on-the-date the-handler-decides-to-discard-it

BOARD-NOTE:--Section-733.107-was-added-pursuant-to-Section-22.23a-of-the-Act (415-166S-5/22-23a)-(see-P.A.-98-502-effective-August-19-1997)

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 733.108 Applicability--Household and Conditionally Exempt Small Quantity Generator Waste

- a) A person that manages any of Persons-managing the wastes listed below may, at its their option, manage the waste them under the requirements of this Part.

- 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109 733-106; or
 2) Conditionally exempt small quantity generator wastes that are exempt under 35 Ill. Adm. Code 721.105 and are also of the same type as the universal wastes defined at Section 733.106.

- b) A person Persons that commingles commingle the wastes described in subsections (a)(1) and (a)(2) of this Section above together with universal waste regulated under this Part shall manage the commingled waste under the requirements of this Part.

(Source: Section 733.108 renumbered from Section 733.105 and amended at 24 Ill. Reg. _____, effective _____)

Section 733.109 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and

733.113(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"Electric-lamp" means--the-bulb-or-tube-portion-of-a-lighting-device specifically-designed-to-produce-radiant-energy--most-often--in--the-ultraviolet--visible--and--infrared--regions--of-the-electromagnetic spectrum

BOARD-NOTE:--The-definition-of-"electric-lamp" was-added--pursuant--to-Section-22.23a--of--the--Act--(415--166S--5/22-23a)-(see-P.A.-98-502-effective-August-19-1997)

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD-NOTE:--Mercury-containing-lamps-were-added-pursuant-to-Section-22.23a--of--the--Act--(415--166S-5/22-23a)-(see-P.A.-98-502-effective-August-19-1997)

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 98-502, effective August 19, 1997).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the

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entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code Section 720.1117

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to the FFDCA Section 360b(j), incorporated by reference in 35 Ill. Adm. Code Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(v) (21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of Federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 92-23a-of-the-Act-(445-1569-5/22-93a)-(see-P.A.-99-562-effective August-19-1997):

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and

mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 95-111r-Adm-Code 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Thermostats, as described in Section 733.104; and

Lamps Mercury-containing lamps, as described in Section 733.105 733-107.

BOARD NOTE: Mercury-containing lamps were added-as-universal waste-pursuant-to-Section-92-23a-of-the-Act-(445-1569-5/22-93a)-(see-P.A.-99-562-effective-August-19-1997):

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Section 733.109 renumbered from Section 733.106 and amended at

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24 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.110 Applicability

This Subpart applies to small quantity handlers of universal waste (as defined in Section 733.102 733.106).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.113 Waste Management

a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a manner ~~way~~ that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.

- 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered

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the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal waste pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
 - 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1) of this Section above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of 35 Ill. Adm. Code 725-Subpart J, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler follows each of the following procedures:
 - A) It removes the ampules in a manner designed to prevent

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breakage of the ampules;

- B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
- C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
- D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
- E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
- H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management.
- A) A small quantity handler of universal waste that removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:
- Mercury or clean-up residues resulting from spills or leaks; or
 - Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the mercury, residues, or other waste and shall manage it is subject to 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807

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through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Lamps Universal waste--mercury-containing--lamps. A small quantity handler of universal waste shall manage universal waste mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- A small quantity handler of universal waste mercury-containing lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 7-at-all-times.
 - Contain-unbroken-lamps-in-packaging-that-will-minimize breakage-during-normal-handling-conditions-and
 - Contain-broken-lamps-in-packaging-that-will-prevent-releases of-lamp-fragments-and-residues.
 - A small quantity handler of universal waste mercury-containing lamps shall immediately clean up and place in a container any lamp that is broken, and the small quantity handler shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamp, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions. 7-at-all-times--manage-waste-lamps-in-a manner-designed-to-minimize-lamp-breakage.
 - A small quantity handler of universal waste mercury-containing lamps shall immediately contain all releases of lamp fragments and residues from broken lamps.
 - A small quantity handler of universal waste shall undertake hazardous waste determination and further waste management as follows:
 - A small quantity handler of universal waste mercury-containing lamps shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:
 - Any materials resulting from a release;
 - Clean-up residues from spills or breakage; or
 - Other solid waste generated as a result of handling waste lamps.
 - If the material is residue or other solid waste exhibits a

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characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 720. The handler is considered to be the generator of the material; residue or other hazardous waste and shall manage it in accordance with 35 Ill. Adm. Code 722.

E) If the material, residue, or other solid waste is not hazardous, the handler may manage the waste in any manner that is in compliance with applicable Federal, State, or local solid (nonhazardous) waste regulations.

5) Small quantity handlers of mercury-containing universal waste lamps may treat mercury-containing lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 8.1 mg/m³ when measured on the basis of time-weighted average over an 8-hour period.

B) The handler must provide notification of crushing activity to the Agency quarterly in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;
 ii) Estimated monthly amount of lamps crushed; and
 iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section.

E) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 49 CFR 262.34, and has available equipment necessary to comply with this requirement.

B) The handler ensures that the area in which the lamps are crushed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury.

B) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers, and

P) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects, or deterioration) suitable to prevent releases during storage, handling, and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 99-5027

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effective August 19, 1997:

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Batteries", "Waste-Batteries", "Waste Batteries", or "Used Batteries".

b) A container or multiple container package unit, tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste-Pesticides Waste-Pesticide(s)" or "Waste-Pesticides Waste-Pesticide(s)";

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:

1) Pesticide labeling:
 A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) of this Section above is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172; or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section above is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state;

and
 2) The words "Universal Waste-Pesticides Waste-Pesticide(s)" or "Waste-Pesticides Waste-Pesticide(s)";

d) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Thermostat(s)", or "Waste Mercury Thermostat(s)", or "Used Mercury Thermostat(s)"; and

e) Each lamp Universal waste-mercury-containing lamps or a container of package in which such the lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste-Mercury-Containing Lamp(s)", "Waste Mercury-Containing Lamp(s)", or "Used Mercury-Containing Lamp(s)".

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BOARD NOTE: Subsection (e) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.130 Applicability

This Subpart applies to large quantity handlers of universal waste (as defined in Section 733.109 733-166).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.132 Notification

- a) Written notification of universal waste management.
 - 1) Except as provided in subsections (a)(2) and (a)(3) of this Section below, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 Kilogram storage limit.
 - 2) A large quantity handler of universal waste that has already notified USEPA or the Agency of its hazardous waste management activities and has received a USEPA Identification Number is not required to renotify under this Section.
 - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA or the Agency, as required by 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.
- b) This notification must include:
 - 1) The universal waste handler's name and mailing address;
 - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
 - 3) The address or physical location of the universal waste management activities;
 - 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, ~~or~~ **and** mercury-containing lamps); and
 - 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, pesticides, thermostats, ~~or~~ **mercury-containing** lamps) the handler is accumulating above this

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quantity.
BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained the generator or consolidation point may use USEPA Form 8700-12 for notification. (To obtain USEPA Form 8700-12 call the Agency at 217-782-6761.) USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination. ~~Mercury-containing lamps were added as universal waste pursuant to Section 22-23a of the Act (415 ILCS 5/22-23a) (see P.A. 90-502, effective August 19, 1997).~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.133 Waste Management

- a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a manner ~~way~~ that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.
 - 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
 - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in

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compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, state or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal waste pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in a manner way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1) of this Section above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of 35 Ill. Adm. Code 725-Subpart J, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, and compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

- c) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a manner way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats

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provided the handler follows each of the following procedures:

- A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels of mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management
- A) A large quantity handler of universal waste that removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726 and 728. The handler is considered the generator of the mercury, residues, or other waste and is subject to 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State state or local solid (nonhazardous) waste regulations.

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BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. Universal waste-mercury-containing-lamps. A large quantity handler of universal waste shall manage universal waste mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste mercury-containing lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent leakage, and compatible with the contents of the lamps. Such containers, and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 7-at-all-times.

A) Contain-unbroken-lamps-in--packaging--that--will--minimize breakage-during-normal-handling-conditions--and

B) Contain-broken-lamps-in-packaging-that-will-prevent-releases of-lamp-fragments-and-residues.

2) A large quantity handler of universal waste mercury-containing lamps shall immediately clean up and place in a container any lamp that is broken, and the large quantity handler shall place in a container any lamp that shows evidence of leakage, spillage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions. 7-at-all-times; manage-waste-lamps-in-a manner-designed-to-minimize-lamp-breakage.

3) A large quantity handler of universal waste-mercury-containing lamps--shall--immediately--contain--all--releases--of--lamp--fragments and--residues--from--broken--lamps.

4) A large quantity handler of universal waste shall undertake--a hazardous--waste--determination--and--further--waste--management--as follows:

A) A large quantity handler--of--universal waste mercury-containing--lamps--shall--determine--whether--the following--exhibit--a--characteristic--of--hazardous--waste identified--in--35--Ill--Adm--Code--721--Subpart--G.

1) Any materials resulting from a release

2) Clean-up residues from spills or breakage or

3) Other solid waste generated as a result of handling waste lamps

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B) If the material-residue-or-other-solid-waste-exhibits--a characteristic--of--hazardous--waste--it--shall--be--managed--in compliance--with--all--applicable--requirements--of--35--Ill--Adm--Code--720--through--725--728--through--726--and--728--The--handler is--considered--to--be--the--generator--of--the--material--residue or--other--hazardous--waste--and--shall--manage--it--in--accordance with--35--Ill--Adm--Code--722.

E) If--the--material--residue--or--other--solid--waste--is--not hazardous--the--handler--may--manage--the--waste--in--any--manner that--is--in--compliance--with--applicable--Federal--State--or local--solid--(nonhazardous)--waste--regulations.

5) Large quantity handlers of mercury-containing universal waste lamps may treat mercury-containing lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.11 mg/m(3) when measured on the basis of time-weighted average over an 8-hour period.

B) The handler must provide notification of crushing activity to the Agency quarterly in a form as provided by the Agency. Such notification must include the following information:

1) Name and address of the handler;

2) Estimated monthly amount of lamps crushed; and

3) The technology employed for crushing including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(a) of this Section;

E) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34 and has available equipment necessary to comply with this requirement;

F) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

G) The handler ensures that employee crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures including transfer of mercury from containment devices to appropriate containers; and

H) The crushed lamps are stored in closed non-leaking containers that are in good condition (e.g., no severe rusting apparent structural defects or deterioration) suitable to prevent releases during storage handling and transportation.

BOARD--NOTE:--Subsection--(4)--of--this--Section--was--added--pursuant--to

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Section 22-23a-of-the-Act--(415--IbES--5/22-23a)--(see--P-A--90-5027 effective-August-19-1997):

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Batteries--Batteries"; or "Waste Batteries Batteries"; or "Used Batteries Batteries";
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste Pesticides--Pesticides" or "Waste Pesticides--Pesticides";
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
 - 1) Pesticide labeling:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) of this Section above is not feasible, the appropriate label as required under the USDOT regulation 49 CFR 172; or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section above is not feasible, another label prescribed or designated by the pesticide collection program; and
 - 2) The words "Universal Waste Pesticides--Pesticides" or "Waste Pesticides--Pesticides";
- d) Universal waste thermostats (i.e., each thermostat) or a container or tank in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)", or "Waste Mercury Thermostat(s)", or "Used Mercury Thermostat(s)"; and
- e) Each lamp Universal-waste-mercury-containing-lamps or a container or package in which such the lamps are contained must shall be labeled or clearly marked with any one of the following phrases: "Universal Waste Lamps--Mercury-Containing----Batteries", "Waste Lamps Mercury-Containing--Batteries" or "Used Lamps Mercury-Containing

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Empty's".
BOARB--NGVB--Subsection--(4)--of--this--Section--was--added--pursuant-to Section-22-23a-of-the-Act--(415--IbES--5/22-23a)--(see--P-A--90-5027 effective-August-19-1997):

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.150 Applicability

This Subpart applies to universal waste transporters (as defined in Section 733.109 733-106).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.160 Applicability

- a) The owner or operator of a destination facility (as defined in Section 733.109 733-106) is subject to all applicable requirements of 35 Ill. Adm. Code 702 thorough 705, 724 729 through 726, and 728, and the notification requirement under Section 3010 of RCRA.
- b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled shall comply with 35 Ill. Adm. Code 721.106(c)(2).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.181 Factors for Petitions to Include Other Wastes

- a) Hazardous waste listing or characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in 35 Ill. Adm. Code 721.Subpart D, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 733-106 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does

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- exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal regulations of this Part;
- b) Generation by a wide variety of types of facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, or government organizations, as well as large industrial facilities);
- c) Generation by a large number of generators. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;
- d) Collection systems to ensure close stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
- e) Waste management standards and risk to human health and the environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152; or applicable USDOT requirements) would be protective of human health and the environment during accumulation and transport;
- f) Increased likelihood of diversion of waste from non-hazardous waste management systems. Regulation of the waste or category of waste under this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA;
- g) Improved implementation of the hazardous waste program. Regulation of the waste or category of waste under this Part will improve implementation of and compliance with the hazardous waste regulatory program; or
- h) Such other factors as may be appropriate.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Children's Respite Care Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 260
- 3) Section Numbers: 260.1750 Proposed Action: New Section
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 31] and Health Care Worker Background Check Act [225 ILCS 46]
- 5) A. Complete Description of the Subjects and Issues Involved: The rules in Part 260 prescribe requirements for children's respite care center alternative health care models under the Alternative Health Care Delivery Act [210 ILCS 31].

Public Act 91-598 (effective January 1, 2000) amended the Health Care Worker Background Check Act [225 ILCS 46] to include "locations licensed under the Alternative Health Care Delivery Act" in the definition of "health care employer." The Health Care Worker Background Check Act requires non-licensed direct care workers to have an Illinois State Police criminal history records check as a condition of employment by a health care employer.

A new Section implementing health care worker background check requirements is being added to the rules. Procedures for initiating background checks are set forth. The amendments list crimes for which a conviction will disqualify an individual from employment. Procedures for obtaining a waiver from the Department, which will allow the individual to work, are included. Guidelines for determining which employees provide "direct care" are included. Notification and record-keeping procedures are specified. Exceptions to the background check requirements are stated. In addition, the amendments include provisions governing individuals who have convictions in other states; individuals who contest the results of the non-fingerprint-based records check; and employers who have actual knowledge of an employee's conviction subsequent to completion of the non-fingerprint check.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

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- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
[rules@dph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Children's respite care centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Record-keeping procedures are set forth in the proposed amendments.

C) Types of Professional Skills Necessary for Compliance: Administrative, human resources

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260

CHILDREN'S RESPIRE CARE CENTER DEMONSTRATION PROGRAM CODE

Section	Definitions
260.1000	Incorporated and Referenced Materials
260.1050	Demonstration Program Elements
260.1100	Application for and Issuance of a License to Operate a Children's Respite Care Center Model
260.1200	Obligations and Privileges of Children's Respite Care Center Models
260.1300	Inspections and Investigations
260.1400	Notice of Violation and Plan of Correction
260.1500	Adverse License Action
260.1600	Policies and Procedures
260.1700	Health Care Worker Background Check
260.1750	Admission Practices
260.1800	Child's Rights
260.1900	Child Care Services
260.2000	Medication Administration
260.2100	Personnel
260.2200	Food Service
260.2300	Physical Plant
260.2400	Quality Assessment and Improvement
260.2500	

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 22 Ill. Reg. 3899, effective February 20, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 260.1750 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]).

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- 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 5-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 557-56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));

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- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 93));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forcery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence - elements of the offense (Section 38a-2 of the Criminal Code of 1961 [720 ILCS 5/38a-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 38a-2));

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- 24) Those provided in Section 4 of the Writings to Children Act (Section 4 of the Writings to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 36 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 36 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

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- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (a) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act.)
- g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act;
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of that report, and request a waiver in accordance with subsection (m) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined

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that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

1) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

1) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b), or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and
- 2) A certified check, money order or facility check made payable to

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the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (a)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

q) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

r) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

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- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- 6) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- 4) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)
- 5) The facility must send a copy of the results of the UCLA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.
- 6) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCLA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)
- 7) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Freestanding Emergency Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 518
- 3) Section Numbers: 518.1610
Proposed Action: New Section
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and Health Care Worker Background Check Act [225 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 518 prescribe requirements for the freestanding emergency center demonstration program under the Emergency Medical Services (EMS) Systems Act.
- Public Act 91-598 (effective January 1, 2000) amended the Health Care Worker Background Check Act [225 ILCS 46] to include "programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers" in the definition of "health care employer". The Health Care Worker Background Check Act requires non-licensed direct care workers to have an Illinois State Police criminal history records check as a condition of employment by a health care employer.
- A new Section implementing health care worker background check requirements is being added to the rules. Procedures for initiating background checks are set forth. The amendments list crimes for which a conviction will disqualify an individual from employment. Procedures for obtaining a waiver from the Department, which will allow the individual to work, are included. Guidelines for determining which employees provide "direct care" are included. Notification and record-keeping procedures are specified. Exceptions to the background check requirements are stated. In addition, the amendments include provisions governing individuals who have convictions in other states; individuals who contest results of the non-fingerprint based records check; and employers who have actual knowledge of an employee's conviction subsequent to completion of the non-fingerprint check.
- The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the Illinois Register.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

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8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
[rules@dph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Freestanding emergency centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Record-keeping procedures are set forth in the proposed amendments.

C) Types of Professional Skills Necessary for Compliance: Administrative, human resources

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 518
FREESTANDING EMERGENCY CENTER DEMONSTRATION PROGRAM CODE

Section	Definitions
518.1000	Incorporated and Referenced Materials
518.1050	Freestanding Emergency Center Demonstration Program
518.1100	Licensure Application and Renewal
518.1150	Emergency Suspension Orders
518.1200	Violations, Hearings and Fines
518.1250	Governing Board
518.1300	Provision of Emergency Services
518.1350	EMS System Participation
518.1400	Patients' Rights
518.1450	Language Assistance Services
518.1500	Personnel Services
518.1550	Personnel Requirements
518.1600	Health Care Workers Background Check
518.1650	Medical Staff Organization
518.1700	Nursing Services
518.1750	Accounting
518.1800	Quality Assurance and Reporting
518.1850	Orders for Medications and Treatments
518.1900	Infection Control
518.1950	Sterilization and Processing of Supplies
518.2000	Laboratory Services
518.2010	Radiological Services
518.2020	Comprehensive Emergency Treatment Services
518.2030	Notification of Emergency Personnel
518.2040	Community or Area-wide Planning
518.2050	Disaster and Mass Casualty Program
518.2060	Emergency Services for Sexual Assault Victims
518.2070	Pharmacy Services
518.2080	Housekeeping Service
518.2090	Insect and Rodent Control
518.2100	Laundry Service
518.2110	Food Service
518.2120	Maintenance
518.2130	Fire Safety
518.2140	Water Supply
518.2150	Garbage, Waste and Sewage Handling and Disposal
518.2160	Submission of Architectural Plans
518.2170	Preparation of Drawings and Specifications--Submission Requirements
518.2180	Construction Details

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518.2190 Finishes
 518.2200 Structural Requirements
 518.2210 Mechanical Requirements
 518.2220 Plumbing and Other Piping Systems
 518.2230 Electrical Requirements
 518.2240 Building Requirements
 TABLE A Piping Locations for Oxygen, Vacuum and Medical Compressed Air
 TABLE B Insulation/Building Perimeter
 ILLUSTRATION A Seismic Zone Map

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act (210 ILCS 50) (see P.A. 90-67, effective July 8, 1997).

SOURCE: Adopted at 22 Ill. Reg. 13756, effective July 10, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 518.1610 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses: Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]l):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 359, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));

3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));

4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));

5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6,

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11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));

6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));

7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));

8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));

9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));

10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));

11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));

12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 235a; Ill. Rev. Stat. 1961, ch. 38, par. 95));

13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));

14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3); Ill. Rev. Stat. 1961, ch. 38, pars. 62, 62.1, 201, 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388, 389, 393 to 400, 404 to 404c, 438, 492 to 496));

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- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3)):
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286)):
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2)):
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]):
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501)):
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4)):
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238)):
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1, 24-1.2, and 24-1.5; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 155, 155a to 158b, 414a to 414c, 414e, and 414g)):
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2)):
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354a)):
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368)):
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)) or 27 Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1,

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- 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purposes of this Section:
 - 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.
 - 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
 - 1) The employee's assigned job responsibilities as set forth in the employee's job description.
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (a)

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of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. [Section 30(c) of the Health Care Worker Background Check Act]

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. [Section 35 of the Health Care Worker Background Check Act].

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. [Section 30(e) and (f) of the Health Care Worker Background Check Act]

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1) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. [Section 30(g) of the Health Care Worker Background Check Act]

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. [Section 35 of the Health Care Worker Background Check Act]

l) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. [Section 30(d) of the Health Care Worker Background Check Act]

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form [Section 40(a) of the Health Care Worker Background Check Act] (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. [Section 40(a-5) of the Health Care Worker Background Check Act]

o) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and

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9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act).

b) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act).

g) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act).

r) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (12) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health

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care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act).

t) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act).

u) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

v) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act).

w) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Intermediate Care for Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Numbers:
350.160
350.290
350.681
350.682
350.870
350.1050
350.1055
Proposed Action:
Amendments
Repealer
New Section
Amendments
Amendments
New Section
- 4) Statutory Authority: Nursing Home Care Act (210 ILCS 45)
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 350 regulate the licensure of intermediate care facilities for the developmentally disabled.

Section 350.160 (Issuance of a Renewal License) is being amended to conform language concerning license renewal to the language of Section 3-115 of the Act, as amended by Public Act 91-215, effective July 20, 1999.

Section 350.290 (Quarterly List of Violators) is being repealed because it is primarily statutory language that directs the Department. Repeal of this Section will not affect the Department's statutory obligation to prepare a quarterly list of violators.

Section 350.681 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records. Records from a State agency, or an FBI criminal history record check. The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide direct care. The rules are also amended to clarify the status of employees during the waiver process.

Section 350.682 (Resident Attendants) is being added to implement Public Act 91-461, effective August 6, 1999. This legislation allows facilities to employ resident attendants to assist residents with eating, drinking,

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and personal hygiene. The amendments include requirements for resident attendant training and competency and for assessment of residents to determine which residents can be assisted by resident attendants.

Section 350.820 (Consultation Services) is being amended to delete consultation requirements for activity directors, which will be included in Section 350.1050.

Section 350.1050 (Activity Program) is being substantially revised to enhance activity programs for long-term care residents. Activity personnel working under the direction of the activity director will be required to have a minimum of 6 hours of in-service training per calendar year or employment year, directly related to recreation/activities. Requirements for consultation and training for activity directors are included, as well as requirements for a comprehensive assessment of each resident and participation in habilitation planning by activity staff. Examples of specific types of activities are included.

Section 350.1055 (Volunteer Program) is being added to set forth requirements for volunteer programs, including an orientation program.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor

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Springfield, Illinois 62761
217/782-2043
[rules@dph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Intermediate care facilities for the developmentally disabled
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: Education/training in recreation/activities

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE
SUBPART A: GENERAL PROVISIONS

General Requirements	Section
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Issuance of an Initial License for a New Facility	350.130
Issuance of an Initial License Due to a Change of Ownership	350.140
Issuance of a Renewal License	350.150
Criteria for Adverse License Actions	350.160
Denial of Initial License	350.165
Denial of Renewal of License	350.170
Revocation of License	350.175
Experimental Program Conflicting With Requirements	350.180
Inspections, Surveys, Evaluations and Consultation	350.190
Filing an Annual Attested Financial Statement	350.200
Information to Be Made Available to the Public By the Department	350.210
Information to Be Made Available to the Public By the Licensee	350.220
Municipal Licensing	350.230
Ownership Disclosure	350.240
Issuance of Conditional Licenses	350.250
Monitor and Receivership	350.260
Presentation of Findings	350.270
Determination to Issue a Notice of Violation or Administrative Warning	350.271
Determination of the Level of a Violation	350.272
Notice of Violation	350.274
Administrative Warning	350.276
Plans of Correction	350.277
Reports of Correction	350.278
Conditions for Assessment of Penalties	350.280
Calculation of Penalties	350.282
Determination to Assess Penalties	350.284
Reduction or Waiver of Penalties	350.286
Quarterly List of Violators (Repealed)	350.288
Alcoholism Treatment Programs In Long-Term Care Facilities	350.290
Department May Survey Facilities Formerly Licensed	350.300
Supported Congregate Living Arrangement Demonstration	350.310
Waivers	350.315
Definitions	350.320
Incorporated and Referenced Materials	350.330
	350.340

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SUBPART B: ADMINISTRATION

Section	Administrator
350.510	
Section	SUBPART C: POLICIES
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents
Section	SUBPART D: PERSONNEL
350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies
Section	SUBPART E: RESIDENT LIVING SERVICES
350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1055	Volunteer Programs
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic and Antipsychotic Drugs

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SUBPART F: HEALTH SERVICES

Section	Health Services
350.1210	Physician Services
350.1220	Communicable Disease Policies
350.1223	Tuberculin Skin Test Procedures
350.1225	Nursing Services
350.1230	Life-Sustaining Treatments
350.1235	Dental Services
350.1240	Physical and Occupational Therapy Services
350.1250	
Section	SUBPART G: MEDICATIONS
350.1410	Medication Policies and Procedures
350.1420	Conformance with Physician's Orders
350.1430	Administration of Medication
350.1440	Labeling and Storage
350.1450	Control of Narcotics and Legend Drugs
Section	SUBPART H: RESIDENT AND FACILITY RECORDS
350.1610	Resident Record Requirements
350.1620	Content of Medical Records
350.1630	Confidentiality of Resident's Records
350.1640	Records Pertaining to Residents' Property
350.1650	Retention and Transfer of Resident Records
350.1660	Other Resident Record Requirements
350.1670	Staff Responsibility for Medical Records
350.1680	Retention of Facility Records
350.1690	Other Facility Record Requirements
Section	SUBPART I: FOOD SERVICE
350.1810	Director of Food Services
350.1820	Dietary Staff in Addition to Director of Food Services
350.1830	Hygiene of Dietary Staff
350.1840	Diet Orders
350.1850	Meal Planning
350.1860	Therapeutic Diets (Repealed)
350.1870	Scheduling Meals
350.1880	Menus and Food Records
350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
350.1910	Kitchen Equipment, Utensils, and Supplies

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SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site

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350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section
350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
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350.3840 Living, Dining, Activity Rooms
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350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements
SUBPART Q: DAY CARE PROGRAMS	
Section	Day Care in Long-Term Care Facilities
350.4210	
APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
APPENDIX C	Seismic Zone Map
APPENDIX D	Forms for Day Care in Long-Term Care Facilities
APPENDIX E	Guidelines for the Use of Various Drugs
TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D	Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE F	Heat Index Table/Apparent Temperature
AUTHORITY:	Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
SOURCE:	Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1,

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1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 15 Ill. Reg. 466, effective 14876, effective October 1, 1990; amended at 15 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1995, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 350.160 Issuance of a Renewal License

At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and the facility is in compliance with all other licensure requirements, the license shall be renewed in accordance with Section 3-110 of the Act. (Section 3-115 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.290 Quarterly List of Violators (Repealed)

a) The Department shall prepare on a quarterly basis a list containing the names and addresses of all facilities against which the Department has issued a notice of revocation.

b) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

c) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

d) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

e) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

f) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

g) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

h) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

i) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

j) Issued a notice of revocation of this Part and Section 3-365(f) of the Act.

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SUBPART B: GENERAL PROVISIONS

At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and the facility is in compliance with all other licensure requirements, the license shall be renewed in accordance with Section 3-110 of the Act. (Section 3-115 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART C: POLICIES

Section 350.681 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3);

3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7);

4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4);

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- and 252.4)):
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); 111. Rev. Stat. 1983, ch. 38, par. 11-20a; 111. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
 - 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics or infliction of great bodily harm (Sections 12-2, 12-2.1, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); 111. Rev. Stat. 1961, ch. 38, par. 9-1.1; 111. Rev. Stat. 1961, ch. 38, pars. 52, 56, and 56a to 60b));
 - 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly 111. Rev. Stat. 1991, ch. 38, par. 12-7.4));
 - 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly 111. Rev. Stat. 1991, ch. 38, par. 12-11));
 - 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); 111. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; 111. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
 - 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly 111. Rev. Stat. 1991, ch. 38, par. 12-19));
 - 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly 111. Rev. Stat. 1991, ch. 38, par. 12-21));
 - 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly 111. Rev. Stat. 1991, ch. 23, par. 2354; 111. Rev. Stat. 1961, ch. 38, par. 95));
 - 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
 - 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3); 111. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
 - 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly 111. Rev. Stat. 1991, ch. 38, par. 16-1.3));
 - 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly 111. Rev. Stat. 1991, ch. 38, par. 17-3); 111. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
 - 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
 - 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
 - 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); 111. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
 - 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly 111. Rev. Stat. 1991, ch. 38, par. 19-4));
 - 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1); 111. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
 - 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly 111. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2); 111. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
 - 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly 111. Rev. Stat. 1991, ch. 38, par. 33A-2));
 - 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly 111. Rev. Stat. 1991, ch. 23, par. 2354));
 - 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly 111. Rev. Stat. 1991, ch. 23, par. 2368));
 - 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly 111. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or
 - 27) Manufacture, delivery or trafficking of controlled substances

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- 28) Manufacture, delivery or trafficking of controlled substances

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(Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).

b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m)(4) and (l)(4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

d) For the purpose of this Section:

- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

- 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.

- 3) "Direct care" means the provision of nursing care or assistance with feeding, meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision, and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.

- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:

- 1) The employee's assigned job responsibilities as set forth in the employee's job description.
- 2) Whether the employee is required to or has the opportunity to be

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alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (s) of this Section for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m)(4) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.
- 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.
- 5) That the employee may be terminated if the criminal records

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report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(1) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

1) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

2) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

3) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

4) An applicant, employee or employer may request a waiver to subsection (a), or (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and
 - 2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.
- 5) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)
- 6) The Department may grant a waiver based on mitigating circumstances, which may include:
- 1) The age of the individual at which the crime was committed;
 - 2) The circumstances surrounding the crime;
 - 3) The length of time since the conviction;

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- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

7) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 10(d) of the Health Care Worker Background Check Act)

8) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

9) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that there is a good faith belief on the part of the employer and if the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
 - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
 - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
 - 4) a signed affidavit from the individual concerning the validity of the report; or
 - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- 10) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law

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of this State:

- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act).

1)† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

u)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

v)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

w)† The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.682 Resident Attendants

a) As used in this Section, "resident attendant" means an individual who assesses residents in a facility with the following activities:

- 1) eating and drinking; and
- 2) personal hygiene limited to washing a resident's hands and face, brushing and combing a resident's hair, oral hygiene, shaving residents with an electric razor, and applying makeup. (Section 3-206.3(a) of the Act)

b) The term "resident attendant" does not include an individual who:

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- 1) is a licensed health professional or a registered dietitian;
- 2) volunteers without monetary compensation;
- 3) is a habilitation aide; or

4) performs any nursing or nursing-related services for residents of a facility. (Section 3-206.3(a) of the Act)

c) A facility may employ resident attendants to assist the habilitation aides with the activities authorized under subsection (a) of this Section. The resident attendants shall not count in the minimum staffing requirements under this Part. (Section 3-206.3(b) of the Act)

d) Each person employed by the facility as a resident attendant shall meet the following requirements:

- 1) Be at least 16 years of age; and
- 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.

e) Resident attendants shall be supervised by and shall report to a nurse.

f) The facility shall develop and implement policies and procedures concerning the duties of resident attendants in accordance with this Section, and shall document such duties in a written job description.

g) As part of the comprehensive assessment, each resident shall be evaluated to determine whether the resident may or may not be fed, hydrated or provided personal hygiene by a resident attendant. Such evaluation shall include, but not be limited to, the resident's level of care; the resident's functional status in regard to feeding, hydration, and personal hygiene; the resident's ability to cooperate and communicate with staff.

h) A facility may not use on a full-time or other paid basis any individual as a resident attendant in the facility unless the individual:

- 1) has completed a Department-approved training and competency evaluation program encompassing the tasks the individual provides; and

2) is competent to provide feeding, hydration, and personal hygiene services. (Section 3-206.03(c) of the Act) The individual shall be deemed to be competent if he/she is able to perform hands-on return demonstration of the required skills, as determined by a nurse.

i) The facility shall maintain documentation of completion of the training program and determination of competency for each person employed as a resident attendant.

j) A facility-based training and competency evaluation program shall be conducted by a nurse and/or dietitian and shall include one or more of the following units:

- 1) A feeding unit that is at least five hours in length that is specific to the needs of the residents, and that includes the anatomy of digestion and swallowing; feeding techniques; developing an awareness of eating limitations; potential feeding

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problems and complications; resident identification; equipment and materials; resident privacy; handwashing; use of disposable gloves; verbal and nonverbal communication skills; behavioral issues and management techniques; signs of choking; signs and symptoms of aspiration; and Heimlich maneuver.

- 2) A hydration unit that is at least three hours in length and that includes the anatomy of digestion and swallowing; hydration technique; resident identification; equipment and materials; potential hydration problems and complications; verbal and nonverbal communication skills; behavioral issues and management techniques; use of disposable gloves; signs of choking; signs and symptoms of aspiration; handwashing; and resident privacy.

- 3) A personal hygiene unit that is at least five hours in length and includes oral hygiene technique, denture care; potential oral hygiene problems and complications; resident identification; verbal and nonverbal communication skills; behavioral issues and management techniques; resident privacy; handwashing; use of disposable gloves; hair combing and brushing; face and handwashing techniques; equipment and materials; shaving technique. (Section 3-206.03(d) of the Act)

- k) All training shall also include a unit in safety and resident rights that is at least five hours in length and that includes resident rights; fire safety, use of a fire extinguisher, evacuation procedures; emergency and disaster preparedness; infection control; and use of the call system.

- l) Each resident attendant shall be given instruction by a nurse or dietitian concerning the specific feeding, hydration, and/or personal hygiene care needs of the residents whom he or she will be assigned to assist.

- m) Training programs shall be reviewed and approved by the Department every two years. (Section 3-206.03(d) of the Act)

- n) Training programs shall not be implemented prior to initial Department approval.

- o) Application for initial approval of facility-based and non-facility-based training programs shall be in writing and shall include:

- 1) An outline containing the methodology, content, and objectives for the training program. The outline shall address the curriculum requirements set forth in subsection (j) of this Section for each unit included in the program.

- 2) A schedule for the training program.

- 3) Resumes describing the education, experience, and qualifications of each program instructor, including a copy of any valid Illinois licenses, as applicable; and

- 4) A copy or description of the tools that will be used to evaluate competency.

- p) The Department will evaluate the initial application and proposed program for conformance to the program requirements contained in this

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Section. Based on this review, the Department will:

- 1) Grant approval of the proposed program for a period of two years;
 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content, which can be corrected by submitting a revised schedule or outline; or
 3) Deny approval of the proposed program based on major deficiencies in the application or proposed program that would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.

- q) Programs shall be resubmitted to the Department for review within 60 days prior to expiration of program approval.

- r) If the Department finds that an approved program does not comply with the requirements of this Section, the Department will notify the facility in writing of non-compliance of the program and the reasons for the finding.

- s) If the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (r) of this Section have not been corrected within 30 days after the date of issuance of such notice, the Department will revoke its approval of the program.

- t) Any change in program content or objectives shall be submitted to the Department at least 30 days prior to program delivery. The Department will review the proposed change based on the requirements of this Section and will either approve or disapprove the change. The Department will notify the facility in writing of the approval or disapproval.

- u) A person seeking employment as a resident attendant is subject to the Health Care Worker Background Check Act (Section 3-206.03(f) of the Act) and Section 350.681 of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____)

SUPPORT D: PERSONNEL

Section 350.820 Consultation Services

- a) The facility shall have all arrangements for each consultant's services in a written agreement setting forth the services to be provided. These agreements shall be updated annually.
 b) The facility shall designate a staff member to provide social services to residents.

- †) If the staff member designated to provide social services is not a **qualified** social worker, the facility shall have an effective arrangement with a **qualified** social worker to provide social

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- services consultation.
- 2) A-qualified-social-worker-is-one-who-meets-the-definition-in Section-350-330:
- c) The-facility-shall-designate-a-staff-member-to-be-the-director-of-the-activities-program---if-this-person-is-not-a-registered-Occupational Therapist--a-Therapeutic-Recreation-Specialist--or-a-Qualified-Social Worker--the-facility-shall-have-a-written-agreement-made-with-a-person from-one-of-those-disciplines-to-provide-consultation-to-the-Activity Director--and-shall-assure--the-programming-meets-the-needs-of-the residents
- d) If the supervisor of health services is not a nurse--currently registered-to-practice-as-a registered professional nurse in-illinois, arrangements shall be made for consultation from a person so qualified. The consultant shall assist with the development of policies, methods, and procedures relating to the medical program and in-service training for all aspects of personal and nursing care. The consultant shall give this consultation in the facility not less than four hours each week.
- e) The-facility-shall-make-arrangements-for-a-consultant-pharmacist-as set-forth-in-Section-350-438(a)-and-(c):

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: RESIDENT LIVING SERVICES

Section 350.1050 Recreational and Activities Services

- a) The facility shall provide an ongoing program of activities to meet the interests and the physical, mental and psychosocial well-being of each resident, in accordance with the resident's comprehensive assessment. The recreational and activity services shall be coordinated with other services and programs provided---the residents--in-order to make the fullest possible use of both community and facility--resources and to maximize the benefits to the residents.
- b) Activity Director and Consultation where-shall-be-a-specific-planned program-of-group-and-individual-activities--designed-to-encourage restoration-to-self-care-and-maintenance-of-normal-activities--which-is geared-to-the-individual-resident's-needs---Activities-shall-be available-daily-and-for-a-reasonable-amount-of-time---Residents-shall be-given-an-opportunity-to-contribute-to-planning--preparation--conducting--and-critique-of-the-program---(b) 1)c) A trained staff person shall be designated where-shall-be-a trained-staff-person as activity director, and shall be responsible for planning and directing the activities program. This person shall be regularly scheduled to be in the facility at least four day per week. on-for-a-sufficient-amount-of-time--to

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- provide--a-program-that-meets-the-residents-needs-and-interests- Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program. (b) If the activity director is not a Certified Therapeutic Recreation Specialist (CTRS), Occupational Therapist Registered and Licensed (OTR/L), or a Licensed Clinical Social Worker (LCSW) who has specialized course work in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the activity director and/or activity department at least monthly, to ensure that the activity programming meets the needs of the residents of the facility.
- 3) Any person designated as activity director hired after October 1, 2000 shall have a high school diploma or equivalent.
- 4) Except for individuals listed in subsection (b)(2) of this Section, any person hired as an activity director shall have taken a 36-hour basic orientation course or shall register to take a 36-hour basic orientation course within 90 days after employment and shall complete the course within 160 days after employment. This course shall be recognized by an accredited college or university or a nationally recognized continuing education sponsor following the International Council of Accreditation of Continuing Education Units and include at least the following: resident rights; activity care planning for quality of life, human wellness and self-esteem; etiology and symptomatology of persons who are aged, developmentally disabled or mentally ill; therapeutic approaches; philosophy and design of activity programs; activity program resources; program evaluation; practitioner behavior and ethics; resident assessments and supportive documentation; standards and regulations concerning activity programs; management and administration. Individuals who have taken a 42-hour basic activity course or a 90-hour basic education course sponsored by the Illinois Activity Professionals Association or the National Certification Council of Activity Professionals shall be considered to have met this requirement.
- 5) The activity director shall have a minimum of ten hours of continuing education per year pertaining to activities programming.
- 6) Consultation shall be required only quarterly when the activity director meets or exceeds the following criteria:
- A) High school diploma or equivalent, five years of full-time or 10,000 hours of part-time experience in activities (three years of that experience as an activity director), and completion of a basic orientation course of at least 36 hours; or
- B) A two-year associate's degree, three years of experience as an activity director, and completion of a basic orientation

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Course of at least 36 hours; or

- c) A four-year degree, one year of full-time experience as an activity director, and completion of a basic orientation course of at least 36 hours.
- d) Habilitation aides and activity personnel shall have a minimum of 6 hours of in-service training per calendar or employment year, directly related to recreation/activities. In-service training may be provided by qualified facility staff and/or consultants, or may be obtained from college or university courses, seminars and/or workshops, educational offerings through professional organizations, similar educational offerings or any combination thereof.
- e) Written where-shall-be-written permission, with any contraindications stated, shall be given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. (b) A comprehensive assessment of each resident shall be conducted, which shall include the following:
 - 1) Background information, including education level, cultural/social issues, and spiritual needs;
 - 2) Current functional status, including communication status, physical functioning, cognitive abilities, and behavioral issues; and
 - 3) Leisure functioning, including attitude toward leisure, awareness of leisure resources, knowledge of activity skills, and social interaction skills and activity interests, both current and past.
- f) The activity staff shall participate in the development of an individualized habilitation plan addressing needs and interests of the residents including activity/recreational goals and/or interventions. The facility shall provide a specific, planned program of individual (including self-initiated) and group activities that are aimed at improving, maintaining, or minimizing decline in the resident's functional status, and at promoting well-being. The program shall be designated in accordance with the individual resident's needs, based on past and present lifestyle, cultural/ethnic background, interest, capabilities, and tolerance. Activities shall be daily and shall reflect the schedules, choices, and rights of the residents (e.g., morning, afternoon, evenings, and weekends). The residents shall be given opportunities to contribute to planning, preparing, conducting, concluding and evaluating the activity program.
- g) The activity program shall be multifaceted and shall reflect each individual resident's needs and be adapted to the resident's capabilities. The activity program philosophy shall encompass programs that provide stimulation or solace; promote physical, cognitive and/or emotional health; enhance, to the extent practicable, each resident's physical and mental status; and promote each resident's self-respect by providing, for example, activities that support self-expression and choice. Specific types of activities may include:

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- 1) Physical activity (e.g., exercise, fitness, adapted sports);
 - 2) Cognitive simulation/intellectual/educational activity (e.g., discussion groups, guest speakers, films, trivia, quizzes, table games, puzzles, writing, spelling, newsletter);
 - 3) Spiritual/religious activity (e.g., religious services, spiritual study groups, visits from spiritual support groups);
 - 4) Service activity (e.g., volunteer work for the facility, other individuals and/or the community);
 - 5) Sensory stimulation (e.g., tactile, olfactory, auditory, visual and gustatory);
 - 6) Community involvement (e.g., community groups coming into the facility for intergenerational programs, special entertainment and volunteer visits; excursions outside the facility to museums, sporting events, entertainment, parks);
 - 7) Expressive and creative arts/crafts (adapted to the resident's capabilities), music, movement/dance, horticulture, pet-facilitated therapy, drama, literary programs, art, cooking;
 - 8) Family involvement (e.g., correspondence, family parties, holiday celebrations, family volunteers); and
 - 9) Social activity (e.g., parties and seasonal activities).
- If residents participate in regularly scheduled therapeutic programs outside the facility (e.g., school, employment, or sheltered workshop), the residents' needs for activities shall be met while they are in the facility.
- 1) Residents' participation in and response to the activity program shall be documented at least quarterly and included in the clinical record. The facility shall maintain current records of resident participation in the activity program.
 - e) The recreation activity program shall include, but is not limited to, the following program areas:
 - 1) Recreational activities (examples: games, both quiet and active; parties; and outside entertainment);
 - 2) Arts and crafts (applicable for both men and women);
 - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; and grace-at-meals); these are in addition to routine religious services;
 - 4) Service activities for community and facility (examples: assist with community fund drives; projects for orphanages; care of one's own area in the facility; and helping to fold linen);
 - 5) Intellectual and educational activities (examples: classes in writing; arithmetic; grooming; and social graces; planned group discussion; quizzes; and word games; resident council; and newsletter);
 - 6) Community activities (examples: residents' participation in community activities such as plays, church events, band concerts, and tours);
 - f) A planned volunteer or auxiliary program that assists with the activities program shall be encouraged; it shall be under the

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- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Numbers: Proposed Action:
390.160 Amendment
390.290 Repealer
390.681 Amendment
390.682 New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 390 regulate the licensure of long-term care facilities for persons under age 22.

Section 390.160 (Issuance of a Renewal License) is being amended to conform language concerning license renewal to the language of Section 3-115 of the Act, as amended by Public Act 91-215, effective July 20, 1999.

Section 390.290 (Quarterly list of Violators) is being repealed because it is primarily statutory language that directs the Department. Repeal of this Section will not affect the Department's statutory obligation to prepare a quarterly list of violators.

Section 390.681 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check. The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide direct care. The rules are also amended to clarify the status of employees during the waiver process.

Section 390.682 (Resident Attendants) is being added to implement Public Act 91-461, effective August 6, 1999. This legislation allows facilities to employ resident attendants to assist residents with eating, drinking, and personal hygiene. The amendments include requirements for resident attendant training and competency and for assessment of residents to determine which residents can be assisted by resident attendants.

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direction-of-a-staff-member-in-a-supervisory-capacity.
Equipment-and-supplies-in-sufficient-quantity-and-variety-shall-be
provided-to-carry-out-the-stated-objectives-of-the-activities
programs.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.1055 Volunteer Program

a) If the facility has a volunteer or auxiliary program, a facility staff person shall direct the program. Community groups such as Boy and Girl Scouts, church groups and civic organizations that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers for the purposes of this Section.

b) Volunteers shall complete a standard, comprehensive orientation program, in accordance with their facility responsibilities, and with the facility's policies and procedures governing the volunteer program. The orientation shall include, but not be limited to:

- 1) Residents' rights;
 - 2) Confidentiality;
 - 3) Disaster preparedness (i.e., fire, tornado);
 - 4) Emergency response procedures;
 - 5) Safety procedures/precautions;
 - 6) Infection control; and
 - 7) Body mechanics.
- c) Volunteers shall respect all aspects of confidentiality.
- d) Volunteers shall be informed of and shall implement medical and physical precautions related to the residents with whom they work.
- e) Volunteers shall not take the place of qualified staff (e.g., activity professionals, nursing assistants, or case workers).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:
- Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
[rules@dph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities for persons under age 22.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

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- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	License
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274.	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
390.500

Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

General
Categories of Personnel
Consultation Services
390.830

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

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SUBPART F: RESTRAINTS AND BEHAVIOR
MANAGEMENT

Section
 390.1310 Restraints
 390.1312 Nonemergency Use of Physical Restraints
 390.1314 Emergency Use of Physical Restraints
 390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
 390.1320 Behavior Management
 390.1330 Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section
 390.1410 Medication Policies and Procedures
 390.1420 Conformance with Physician's Orders
 390.1430 Administration of Medication
 390.1440 Labeling and Storage of Medications
 390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
 390.1610 Resident Record Requirements
 390.1620 Content of Medical Records
 390.1630 Confidentiality of Resident's Records
 390.1640 Records Pertaining to Residents' Property
 390.1650 Retention and Transfer of Resident Records
 390.1660 Other Resident Record Requirements
 390.1670 Staff Responsibility for Medical Records
 390.1680 Retention of Facility Records
 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
 390.1810 Director of Food Services
 390.1820 Dietary Staff in Addition to Director of Food Services
 390.1830 Hygiene of Dietary Staff
 390.1840 Diet Orders
 390.1850 Meal Planning
 390.1860 Infant and Therapeutic Diets
 390.1870 Scheduling Meals
 390.1880 Menus and Food Records
 390.1890 Food Preparation and Service
 390.1900 Preparation of Infant Formula
 390.1910 Food Handling Sanitation
 390.1920 Kitchen Equipment, Utensils, and Supplies

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SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
 390.2010 Maintenance
 390.2020 Housekeeping
 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
 390.2210 Furnishings
 390.2220 Equipment and Supplies
 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
 390.2410 Codes
 390.2420 Water Supply
 390.2430 Sewage Disposal
 390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section
 390.2610 Applicability of these Standards
 390.2620 Codes and Standards
 390.2630 Preparation of Drawings and Specifications
 390.2640 Site
 390.2650 Administration and Public Areas
 390.2660 Nursing Unit
 390.2670 Dining, Play, Activity/Program Rooms
 390.2680 Therapy and Personal Care
 390.2690 Service Departments
 390.2700 General Building Requirements
 390.2710 Structural
 390.2720 Mechanical Systems
 390.2730 Plumbing Systems
 390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section
 390.2910 Applicability
 390.2920 Codes and Standards
 390.2930 Preparation of Drawings and Specifications
 390.2940 Site
 390.2950 Administration and Public Areas

390.2960 Nursing Unit
 390.2970 Play, Dining, Activity/Program Rooms
 390.2980 Treatment and Personal Care
 390.2990 Service Department
 390.3000 General Building Requirements
 390.3010 Structural
 390.3020 Mechanical Systems
 390.3030 Plumbing Systems
 390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
 390.3210 General
 390.3220 Medical and Personal Care Program
 390.3230 Restraints
 390.3240 Abuse and Neglect
 390.3250 Communication and Visitation
 390.3260 Resident's Funds
 390.3270 Residents' Advisory Council
 390.3280 Contract With Facility
 390.3290 Private Right of Action
 390.3300 Transfer or Discharge
 390.3310 Complaint Procedures
 390.3320 Confidentiality
 390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section
 390.3510 Day Care in Long-Term Care Facilities
 APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repeated)
 APPENDIX B Forms for Day Care in Long-Term Care Facilities
 APPENDIX C Guidelines for the Use of Various Drugs
 TABLE A Infant Feeding
 TABLE B Daily Nutritional Requirements by Age Group
 TABLE C Sound Transmissions Limitations
 TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
 TABLE E Sprinkler Requirements
 TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19822; amended at 8 Ill. Reg. 24159, effective November 23, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25063, effective December 14, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 16 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 13, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 390.160 Issuance of a Renewal License

At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and the facility is in compliance with all other licensure requirements and the facility is in compliance with all other

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licensure requirements, the license shall be renewed in accordance with Section 3-110 of the Act. (Section 3-115 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 390.290 Quarterly List of Violators (Repealed)

a) *The Department shall prepare on a quarterly basis a list containing the names and address of all facilities against which the Department during the previous quarter has:*

- 1) *issued a notice of penalty assessment for a level A violation as provided in Section 390.286 of this Part and Section 3-305(f) of the Act;*
- 2) *issued a notice of revocation of the facility's license as provided in Section 390.186 of this Part and Section 3-119 of the Act;*
- 3) *issued a notice refusing renewal of the facility's license as provided in Section 390.175 of this Part and Section 3-119 of the Act;*
- 4) *issued a notice to suspend the facility's license as provided in Section 3-119 of the Act;*
- 5) *issued a conditional license to the facility based on violations which were not corrected as provided in Section 390.260 of this Part and Section 3-313 of the Act except where the terms of the conditional license have been stayed pursuant to Section 390.260(d);*
- 6) *placed a monitor in the facility as provided in Section 390.270 of this Part and Section 3-561 of the Act for one of the following reasons:*
 - A) *The facility is operating without a license;*
 - B) *The Department has revoked or refused to renew the license of the facility;*
 - C) *The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure;*

B) *The Department determines that an emergency exists and has issued a notice of revocation or nonrenewal against the facility's license*

7) *Initiated an action to appoint a receiver*

B) *Recommended to the Director of the Department of Public Aid, or the Secretary of the United States Department of Health and Human Services, the decertification for violations in relation to patient care of a facility pursuant to Titles XVII and XIX of the Federal Social Security Act (42-6-6-1995 et seq. and 136-6 et seq.) (Section 3-304(e) of the Act)*

b) *In addition to the name and address of the facility, the list shall*

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include the name and address of the person or licensee against whom the action has been initiated, a self-explanatory summary of the facts which warranted the initiation of each action, the type of action initiated, the date of the initiation of the action, the amount of the penalty sought to be assessed, if any, and the final disposition of the action, if completed. (Section 3-304(b) of the Act)

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART C: POLICIES

Section 390.681 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 356, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
- 3) Kidnapping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1981, ch. 38, par. 11-6; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));

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- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 (720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b);
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 (720 ILCS 5/12-7.4) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 (720 ILCS 5/12-11) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 (720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 (720 ILCS 5/12-19) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 (720 ILCS 5/12-21) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 (720 ILCS 5/12-21.6) (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 (720 ILCS 5/12-32 and 12-33) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 (720 ILCS 5/16-1 and 16A-3) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 (720 ILCS 5/16-1.3) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 (720 ILCS 5/17-3) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill.

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- Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 (720 ILCS 5/18-1 and 18-2) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 (720 ILCS 5/18-3, 18-4, and 18-5));
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 (720 ILCS 5/19-1 and 19-3) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 (720 ILCS 5/19-4) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 (720 ILCS 5/20-1 and 20-1.1) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 40 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 (720 ILCS 5/24-1, 24-1.2, and 24-1.5) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g));
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 (720 ILCS 5/33A-2) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or deliver to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705.1, 705.2, 707 and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).

b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or

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more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m)(4) and (l)(4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (b)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided. Section 25(b) of the Act)

d) For the purpose of this Section:

- 1) "applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
- 2) "conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
- 3) "direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision, and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.
- 4) "initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:

- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (s)(4) of this Section, for a position with duties that involve direct

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care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f)(4) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m)(4) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)
- j) A facility may conditionally employ an applicant to provide direct

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care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k.)† An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l.)† A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m.)† An applicant, employee or employer may request a waiver to subsection (a), or (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA Criminal Records Check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
 - 2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA Criminal Records Check.
- n.)† The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (k)(1) and (2) above.
- o.)† The Department may grant a waiver based on mitigating circumstances, which may include:
- 1) The age of the individual at which the crime was committed;
 - 2) The circumstances surrounding the crime;
 - 3) The length of time since the conviction;
 - 4) The applicant's or employee's criminal history since the conviction;
 - 5) The applicant's or employee's work history;
 - 6) The applicant's or employee's current employment references;
 - 7) The applicant's or employee's character references;
 - 8) Nurse Aide Registry records; and
 - 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently

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and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

p.)† An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 40(d) of the Health Care Worker Background Check Act)

q.)† A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

r.)† A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

s.)† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for

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residents. (Section 20 of the Health Care Worker Background Check Act)

t)† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

u)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

v)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

w)† The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 390.682 Resident Attendants

a) As used in this Section, "resident attendant" means an individual who assists residents in a facility with the following activities:

- 1) eating and drinking; and
- 2) personal hygiene limited to washing a resident's hands and face, brushing and combing a resident's hair, oral hygiene, shaving residents with an electric razor, and applying makeup. (Section 3-206.03(a) of the Act)

b) The term "resident attendant" does not include an individual who:

- 1) is a licensed health professional or a registered dietitian;
- 2) volunteers without monetary compensation;
- 3) is a child care/habilitation aide; or
- 4) performs any nursing or nursing-related services for residents of a facility. (Section 3-206.03(a) of the Act)

c) A facility may employ resident attendants to assist the child care/habilitation aides with the activities authorized under

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subsection (a) of this Section. *The resident attendants shall not count in the minimum staffing requirements under this Part.* (Section 3-206.03(b) of the Act)

d) Each person employed by the facility as a resident attendant shall meet the following requirements:

- 1) Be at least 16 years of age; and
- 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.

e) Resident attendants shall be supervised by and shall report to a nurse.

f) The facility shall develop and implement policies and procedures concerning the duties of resident attendants in accordance with this Section, and shall document such duties in a written job description.

g) As part of the comprehensive assessment, each resident shall be evaluated to determine whether the resident may or may not be fed, hydrated or provided personal hygiene by a resident attendant. Such evaluation shall include, but not be limited to, the resident's level of care; the resident's functional status in regard to feeding, hydration, and personal hygiene; the resident's ability to cooperate and communicate with staff.

h) A facility may not use on a full-time or other paid basis any individual as a resident attendant in the facility unless the individual:

1) has completed a Department-approved training and competency evaluation program encompassing the tasks the individual provides; and

2) is competent to provide feeding, hydration, and personal hygiene services. (Section 3-206.03(c) of the Act) The individual shall be deemed to be competent if he/she is able to perform hands-on return demonstration of the required skills, as determined by a nurse.

1) The facility shall maintain documentation of completion of the training program and determination of competency for each person employed as a resident attendant.

i) A facility-based training and competency evaluation program shall be conducted by a nurse and/or dietitian and shall include one or more of the following units:

- 1) A feeding unit that is at least five hours in length that is specific to the needs of the residents, and that includes the anatomy of digestion and swallowing; feeding techniques; developing an awareness of eating limitations; potential feeding problems and complications; resident identification; equipment and materials; resident privacy; handwashing; use of disposable gloves; verbal and nonverbal communication skills; behavioral issues and management techniques; signs of choking; signs and symptoms of aspiration; and Heimlich maneuver;
- 2) A hydration unit that is at least three hours in length and that

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includes the anatomy of digestion and swallowing; hydration technique; resident identification; equipment and materials; potential hydration problems and complications; verbal and nonverbal communication skills; behavioral issues and management techniques; use of disposable gloves; signs of choking; signs and symptoms of aspiration; handwashing; and resident privacy.

- 3) A personal hygiene unit that is at least five hours in length and includes oral hygiene technique, denture care; potential oral hygiene problems and complications; resident identification; verbal and nonverbal communication skills; behavioral issues and management techniques; resident privacy; handwashing; use of disposable gloves; hair combing and brushing; face and hand washing technique; equipment and materials; shaving technique. (Section 3-206.03(d) of the Act)

- k) All training shall also include a unit in safety and resident rights that is at least five hours in length and that includes resident rights; fire safety, use of a fire extinguisher, evacuation procedures; emergency and disaster preparedness; infection control; and use of the call system.

- l) Each resident attendant shall be given instruction by a nurse or dietitian concerning the specific feeding, hydration, and/or personal hygiene care needs of the residents whom he or she will be assigned to assist.

- m) Training programs shall be reviewed and approved by the Department every two years. (Section 3-206.03(d) of the Act)

- n) Training programs shall not be implemented prior to initial Department approval.

- o) Application for initial approval of facility-based and non-facility-based training programs shall be in writing and shall include:

- 1) An outline containing the methodology, content, and objectives for the training program. The outline shall address the curriculum requirements set forth in subsection (i) of this Section for each unit included in the program.

- 2) A schedule for the training program.

- 3) Resumes describing the education, experience, and qualifications of each program instructor, including a copy of any valid Illinois licenses, as applicable; and

- 4) A copy or description of the tools that will be used to evaluate competency.

- p) The Department will evaluate the initial application and proposed program for conformance to the program requirements contained in this Section. Based on this review, the Department will:

- 1) Grant approval of the proposed program for a period of two years;
- 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as

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deficiencies in the number of hours assigned to cover different areas of content, which can be corrected by submitting a revised schedule or outline; or

- 3) Deny approval of the proposed program based on major deficiencies in the application or proposed program that would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.

- q) Programs shall be resubmitted to the Department for review within 60 days prior to expiration of program approval.

- r) If the Department finds that an approved program does not comply with the requirements of this Section, the Department will notify the facility in writing of non-compliance of the program and the reasons for the finding.

- s) If the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (r) of this Section have not been corrected within 30 days after the date of issuance of such notice, the Department will revoke its approval of the program.

- t) Any change in program content or objectives shall be submitted to the Department at least 30 days prior to program delivery. The Department will review the proposed change based on the requirements of this Section and will either approve or disapprove the change. The Department will notify the facility in writing of the approval or disapproval.

- u) A person seeking employment as a resident attendant is subject to the Health Care Worker Background Check Act (Section 3-206.03(f) of the Act) and Section 390.681 of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3) Section Numbers: Proposed Action:

330.160 Amendments

330.290 Repealer

330.911 Amendments

330.1310 Amendments

330.1340 New Section

APPENDIX D Repealer

4) Statutory Authority: Nursing Home Care Act (210 ILCS 45)

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 330 regulate the licensure of sheltered care facilities.

Section 330.160 (Issuance of a Renewal License) is being amended to conform language concerning license renewal to the language of Section 3-115 of the Act, as amended by Public Act 91-215, effective July 20, 1999.

Section 330.290 (Quarterly List of Violators) is being repealed because it is primarily statutory language that directs the Department. Repeal of this Section will not affect the Department's statutory obligation to prepare a quarterly list of violators.

Section 330.911 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same of similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check.

The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide direct care. The rules are also amended to clarify the status of employees during the waiver process.

Section 330.1310 (Activity Program) is being substantially revised to enhance activity programs for long-term care residents. Activity personnel working under the direction of the activity director will be required to have a minimum of 10 hours of in-service training per calendar year or employment year, directly related to recreation/activities.

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Requirements for consultation and training for activity directors are included, as well as requirements for a comprehensive assessment of each resident and participation in care planning by activity staff. Examples of specific types of activities are included. Section 330.1340 (Volunteer Program) is being added to set forth requirements for volunteer programs, including an orientation program.

Section 330.Appendix D (Criteria for Activity Directors Who Need Only Minimal Consultation) is being repealed. Consultation requirements are being included in Section 330.1310.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate. Long-term care facilities operated by units of local government may have to increase activities staff training to meet these requirements.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
[rules@dph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any

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small business may present the or comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Sheltered care facilities
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

- C) Types of Professional Skills Necessary for Compliance: Education/training in recreation/activities

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

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330.140	Issuance of an Initial License for a New Facility
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330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
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330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
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330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

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SUBPART C: POLICIES

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General Policies
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Student Interns (Repealed)
330.916
Consultation Services
330.920
Personnel Policies
330.930

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SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

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Tuberculin Skin Test Procedures
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Behavior Emergencies (Repealed)
330.1140
Restraints
330.1145
Emergency Use of Physical Restraints
330.1150
Unnecessary, Psychotropic, and Antipsychotic Drugs
330.1155

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SUBPART F: RESTORATIVE SERVICES

Activity Program
330.1310
Work Programs
330.1320
Written Policies for Restorative Services
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Volunteer Program
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (210 ILCS 451).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16970, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991;

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amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.160 Issuance of a Renewal License

At least 120 days but not more than 150 days prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and the facility is in compliance with all other licensure requirements, the license shall be renewed in accordance with Section 3-110 of the Act ~~for an additional one-year or two-year period~~. The renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act (220 ILCS 41) and Section 330.163 of this Part, if applicable. (Section 3-115 of the Act) January 15, 1999)

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 330.290 Quarterly List of Violators (Repealed)

- a) ~~The Department shall prepare on a quarterly basis--a list--containing the names and addresses of all facilities--against which the Department during the previous quarter has issued a notice of penalty assessment for a level A violation--as provided in Section 330.286 of this Part--and Section 3-305 of the Act.~~
 2) ~~Issued a notice of--revocation of--the facility's license--as provided in Section 330.180 of this Part--and Section 3-119 of the~~

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- Act
3) issued a notice-refusing-renewal of--the-facility's--license-as provided-in-Section-330-175-of-this-Part-and-Section-3-119-of-the Act;
4) issued a notice-to-suspend-the-facility's--license-as-provided-in Section-3-119-of-the-Act;
5) issued-a-conditional--license-to-the-facility--based-on--violations Part-and-Section-3-119-of-the-Act-except-where-the-terms-of--the conditional--license--have-been-stayed--pursuant-to--Section 330-268(d);
6) placed-a-monitor-in-the-facility-as-provided-in--Section-330-270 of-this-Part--and-Section-3-161-of--the-Act--for-one-of-the following-reasons:
A) The-facility-is-operating-without-a--license;
B) The-facility-has-revoked-or-refused-to-renew-the--license of-the-facility;
C) The-facility-is-closing-or-has-informed-the-Department-that it-intends-to-close-and-adequate-arrangements-for-relocation of-residents-have-not-been-made-at-least-30--days--prior-to closure;
D) The-Department--determines-that-an-emergency-exists-and-has issued-a-notice-of--evacuation-or--nonrenewal-against--the facility's--license;
E) Initiated an action-to-appoint-a-receiver;
F) Recommended--to--the-Director-of-the-Department-of-Public-Aid--or the-Secretary-of-the-United-States-Department-of-Health-and-Human Services--the-decorification-for-violations-in-relation-to patient-care--of-a-facility-pursuant-to-Public-Act-XXXXX-and-XIX-of the-Federal-Social-Security-Act (42 U.S.C. 1395-et-seq--and-1396 et-seq)--(Section-3-304(b) of-the-Act)
G) In-addition--to--the-name-and-address-of-the-facility--the-list-shall include-the-name-and-address-of-the-person-or--licensee--against-whom the-action-has-been-initiated--a-self-explanatory-summary-of-the-facts which-warranted-the-initiation--of--each-action--the-type-of-action initiated--the-date-of-the-initiation--of-the-action--the-amount-of-the penalty-sought-to-be-assessed--if-any--and-the-final--disposition--of the-action--if-completed--(Section-3-304(b) of-the-Act)
- (Source: Repealed at 24 Ill. Reg. _____, effective _____)
- SUBPART D: PERSONNEL
- Section 330.911 Health Care Worker Background Check
- a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has

- been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act (225 ILCS 46/25)):
- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 8-1.1 and 8-1.2));
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 9-1, 9-1.1, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3) Ill. Rev. Stat. 1961, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7] (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7) Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 10-3, 10-3.1, and 10-4) Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, 252.1a, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Section 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 11-6, 11-19.2, and 11-20.1) Ill. Rev. Stat. 1963, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7) (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7) (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7) Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11 (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));

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- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 951));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 131 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));

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- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
 - 23) Armed violence - elements of the offense (Section 33a-2 of the Criminal Code of 1961 [720 ILCS 5/33a-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33a-2));
 - 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
 - 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
 - 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or
 - 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1));
 - b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m)(4) and (o)(4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
 - c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of

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- employment.
- 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
- 3) "Direct care" means the provision of nursing care or assistance with feeding, means, dressing, movement, bathing, or other personal needs, or--maintenance--or--general--supervision--and oversight--of the physical and mental well-being of an individual who is incapable of managing his or her person whether or--net--a guardian has been appointed for that individual.
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (a)(4) of this Section for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.
- g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f)(4) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

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- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m)(4) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)
- j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
- k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- l) A facility having actual knowledge that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based criminal history record check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the

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fingerprint-based background check act. (Section 30(d) of the Health Care Worker Background Check Act)

m)† A applicant, employer or employer may request a waiver to subsection (a), or (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n)† The Department may accept the results of the fingerprint-based UCIA Criminal Records Check instead of the items required by subsections (m)†(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o)† The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

p)† An individual shall not be employed in a direct care position from the time the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. ~~An individual may not be employed in a direct care position during the pendency of a waiver request.~~ (Section 40(d) of the Health Care Worker Background Check Act)

q)† A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver.

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(Section 40(f) of the Health Care Worker Background Check Act)

l)† A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

s)† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

t)† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

u)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

v)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall

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retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 the Health Care Worker Background Check Act)

Why? The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: RESTORATIVE SERVICES

Section 330.1310 Activity Program

- a) The facility shall provide an ongoing program of activities to meet the interests and the physical, mental and psychosocial well-being of each resident, in accordance with the resident's comprehensive assessment. The activities shall be coordinated with other services and programs to make the fullest possible use of both community and facility resources to maximize the benefits to the residents. There shall be a specific planned program of group and individual activities designed to encourage restoration-to-self-care-and-maintenance-of normal activity-which-is geared-to-the-individual-resident's-needs. Activities shall be available daily-and-for-a-reasonable-amount-of time-----Residents shall be given-an-opportunity-to-contribute-to planning--preparation--conducting--cleaning--and-critique--of-the program-----fb)
- b) Activity personnel shall be provided to meet the needs of the resident and the program. Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. This time shall be spent in providing activity programming as-described-in-subsection-(e)-of-this-section as well as the planning and directing of the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time. (in-a-facility-whose residents-participate-in-regularly-scheduled-therapeutic-programs outside-the-facility--such-as-school-employment-or--sheltered workshop--the-minimum-hours-per-week-of-activity-staff-time-may be reduced--the-reduction-shall-be-calculated-by-multiplying-the-number-of-residents-in-the-facility-who-participate-in-such-programs-by-the percentage-of-the-day-these-residents-spend-in-such-programs-)
- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be

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calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day that these residents spend in such programs.

- 2) Activity personnel working under the direction of the activity director shall have a minimum of 10 hours of in-service training per calendar or employment year, directly related to recreation/activities. In-service training may be provided by qualified facility staff and/or consultants, or may be obtained from college or university courses, seminars and/or workshops, educational offerings through professional organizations, similar educational offerings or any combination thereof.

c) Activity Director and Consultation

- 1) A there-shall-be a trained staff person shall be designated as activity director and shall be responsible for planning and directing the activities program. This person shall regularly scheduled to be on duty in the facility at least four days per week.
- 2) If the activity director this-person is not a Certified Therapeutic Recreation Specialist (CTRS), Occupational Therapist Registered and Licensed (OTR/L), or a Licensed Clinical Social Worker (LCSW) who has Registered-Occupational-Therapist--a Therapeutic-Recreation-Specialist-or-a-Certified-Social-Worker with specialized course work coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the activity director and/or activity department Activity-Director at least monthly, in-order to ensure make-sure that the activity programming meets the needs of the residents.
- 3) Any person designated as activity director Activity-Director--who is-responsible-for-planning-and-directing-the-activities-program hired after December 24, 1987 shall have a high school diploma or equivalent.
- 4) Except for individuals listed in subsection (c)(2) of this Section, any person hired as an activity director shall have taken a 36-hour basic orientation course or shall register to take a 36-hour basic orientation course within 90 days after employment and shall complete the course within 160 days after employment. This course shall be recognized by an accredited college or university or a nationally recognized continuing education sponsor following the International Council of Accreditation of Continuing Education Units and include at least the following: resident rights; activity care planning for quality of life, human wellness and self-esteem; etiology and symptomatology of persons who are aged, developmentally disabled or mentally ill; therapeutic approaches; philosophy and design of activity programs; activity program resources; program evaluation; practitioner behavior and ethics; resident assessment and supportive documentation; standards and regulations

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concerning activity programs; management and administration. Individuals who have taken a 42-hour basic activity course or a 90-hour basic education course sponsored by the Illinois Activity Professionals Association or the National Certification of Activity Professionals shall be considered to have met this requirement.

- 5) 4) The activity director shall have a minimum of ten hours of continuing education per year pertaining to activities programming.
- 5) ~~Consultation will be required only every six months when the activity director meets or exceeds the following criteria:~~
- ~~A) High school diploma or equivalent, five years of full-time or 10,000 hours of part-time experience in activities (three years of that experience as an activity director), and completion of a basic orientation course of at least 36 hours; or~~
- ~~B) A two-year associate's degree, three years of experience as an activity director, and completion of a basic orientation course of at least 36 hours; or~~
- ~~C) A four-year degree, one year full-time experience as an activity director, and completion of a basic orientation course of at least 36 hours.~~

- d) Written ~~where shall be written~~ permission, with any contraindications stated, shall be given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. 18)
- e) Activity program staff shall participate in the comprehensive assessment of each resident, which shall include the following:
- 1) Background information, including education level, cultural/social issues, and spiritual needs;
 - 2) Current functional status, including communication status, physical functioning, cognitive abilities, and behavioral issues; and
 - 3) Leisure functioning, including attitude toward leisure, awareness of leisure resources, knowledge of activity skills, and social interaction skills and activity interests, both current and past.

- f) The activity staff shall participate in the development of an individualized plan of care addressing needs and interests of the residents, including activity/recreational goals and/or interventions.
- g) The facility shall provide a specific, planned program of individual (including self-initiated) and group activities that are aimed at improving, maintaining, or minimizing decline in the resident's functional status, and at promoting well-being. The

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program shall be designed in accordance with the individual resident's needs, based on past and present lifestyle, cultural/ethnic background, interest, capabilities, and tolerance. Activities shall be daily and shall reflect the schedules, choices, and rights of the residents (e.g., morning, afternoon, evenings and weekends). The residents shall be given opportunities to contribute to planning, preparing, conducting, concluding and evaluating the activity program. The activity program shall be multifaceted and shall reflect each individual resident's needs and be adapted to the resident's capabilities. The activity program philosophy shall encompass programs that provide stimulation or solace; promote physical, cognitive and/or emotional health; enhance, to the extent practicable, each resident's physical and mental status; and promote each resident's self-respect by providing, for example, activities that support self-expression and choice. Specific types of activities may include:

- 1) Physical activity (e.g., exercise, fitness, adapted sports);
 - 2) Cognitive stimulation/intellectual/educational activity (e.g., discussion groups, reminiscence, guest speakers, film, trivia/quizzes, table games, puzzles, writing, spelling, newsletter);
 - 3) Spiritual/religious activity (e.g., religious services, spiritual study groups, visits from spiritual support groups);
 - 4) Service activity (e.g., volunteer work for the facility, other individuals and/or the community);
 - 5) Sensory stimulation (e.g., tactile, olfactory, auditory, visual and gustatory);
 - 6) Community involvement (e.g., community groups coming into the facility for intergenerational programs, special entertainment and volunteer visits; excursions outside the facility to museums, sporting events, entertainment, parks);
 - 7) Expressive and creative arts/crafts (adapted to the resident's capabilities), music, movement/dance, horticulture, pet-facilitated therapy, drama, literary programs, art, cooking, family involvement (e.g., correspondence, family parties, holiday celebrations, family volunteers); and
 - 9) Social activity (e.g., parties and seasonal activities).
- 1) If residents participate in regularly scheduled therapeutic programs outside the facility (e.g., school, employment, or sheltered workshop), the residents' needs for activities shall be met while they are in the facility.
- 1) Residents' participation in and response to the activity program shall be documented at least quarterly and included in the clinical record. The facility shall maintain current records of resident participation in the activity program.
- e) ~~The activity program should include at a minimum the following program areas:~~
- 1) ~~Recreational activities (examples: games, both quiet and active; parties; outside entertainment);~~

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- 2) Crafts (applicable for both men and women)
- 3) Religious activities (examples:--Bible study or discussion; Bible quizzes and games; hymn singing; grace at meals);--These are in addition to other religious services.
- 4) Service activities for community or facility (examples:--assist with community fund drives; projects for orphanages; care of one's own area in the facility; helping to fold linen);
- 5) Intellectual and educational activities (examples:--classes in writing, arithmetic, grooming and social graces; planned group discussion;--quizzes;--and--word--games;--resident--council; newsletter);
- 6) Community activities (examples:--residents--participation--in community activities such as plays, church events, band concerts, tours);
- f) A planned volunteer or auxiliary program--that assists with the activities program--shall be encouraged;--it shall be under the direction of a staff member in a supervisory capacity.
- g) Documentation of resident's response to program shall be part of the resident's record as set forth in Section 330-170(f)(1);

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 330.1340 Volunteer Program

- a) If the facility has a volunteer or auxiliary program, a facility staff person shall direct the program. Community groups such as Boy and Girl Scouts, church groups and civic organizations that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers for the purposes of this Section.
- b) Volunteers shall complete a standard, comprehensive orientation program, in accordance with their facility responsibilities and with the facility's policies and procedures governing the volunteer program. The orientation shall include, but not be limited to:
- 1) Residents' rights;
 - 2) Confidentiality;
 - 3) Disaster preparedness (i.e., fire, tornado);
 - 4) Emergency response procedures;
 - 5) Safety procedures/precautions;
 - 6) Infection control; and
 - 7) Body mechanics.
- c) Volunteers shall respect all aspects of confidentiality.
- d) Volunteers shall be informed of and shall implement medical and physical precautions related to the residents with whom they work.
- e) Volunteers shall not take the place of qualified staff (e.g., activity professionals, nursing assistants, or case workers).

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(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)

Education	Total-Experience in-Activities	Experience-as Activity-Director	Basic Training
1. High-School diploma-or equivalent	6-years	3-years	Completion-of a-basic
2. 2-year associate degree	4-years	3-years	Completion-of a-basic course-of
3. Therapeutic Recreation Assistant-or Certified Occupational Therapy-Assistant	2-years	2-years	Completion-of a-basic course-of

4. 4-year-degree	2-years	Completion-of a-basic orientation-course of-at at-least-36-hrs-
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The--basic--orientation--course--for--activity-directors--shall--include--material
related--to--life-span--changes--resident--rights--etiology--and--symptomatology--of
aged--developmentally--disabled--and--mentally--ill--residents--therapeutic
approaches--communication--philosophy--and--design--of--activity--programs--activity
program--resources--standards--and--regulations--documentation--and--management--and
administration

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

Section Numbers:	Proposed Action:
300.160	Amendment
300.290	Repealer
300.661	Amendment
300.662	New Section
300.663	Amendment
300.1410	New Section
300.1440	Repealer

APPENDIX E

Statutory Authority: Nursing Home Care Act (210 ILCS 45)

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 300 regulate the licensure of skilled nursing and intermediate care facilities.

Section 300.160 (Issuance of a Renewal License) is being amended to conform language concerning license renewal to the language of Section 3-115 of the Act, as amended by Public Act 91-215, effective July 20, 1999.

Section 300.290 (Quarterly List of Violators) is being repealed because it is primarily statutory language that directs the Department. Repeal of this Section will not affect the Department's statutory obligation to prepare a quarterly list of violators.

Section 300.661 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check. The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide direct care. The rules are also amended to clarify the status of employees during the waiver process.

Section 300.662 (Resident Attendants) is being added to implement Public Act 91-461, effective August 6, 1999. This legislation allows facilities

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to employ resident attendants to assist residents with eating, drinking, and personal hygiene. The amendments include requirements for resident attendant training and competency and for assessment of residents to determine which residents can be assisted by resident attendants.

Section 300.663 (Registry of Certified Nurse Aides) is being amended to add an equivalency for individuals who have completed the Direct Support Core Training Program as an employee of the Department of Human Services and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test.

Section 300.1410 (Activity Program) is being substantially revised to enhance activity programs for long-term care residents. Activity personnel working under the direction of the activity director will be required to have a minimum of 10 hours of in-service training per calendar year or employment year, directly related to recreation/activities. Requirements for consultation and training for activity directors are included, as well as requirements for a comprehensive assessment of each resident and participation in care planning by activity staff. Examples of specific types of activities are included.

Section 300.1440 (Volunteer Program) is being added to set forth requirements for volunteer programs, including an orientation program.

Section 300.Appendix F (Criteria for Activity Directors Who Need Only Minimal Consultation) is being repealed. Consultation requirements are being included in Section 300.1410.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking may create or expand a State Mandate. Long-term care facilities operated by units of local government may have to increase activities staff training to meet these requirements.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
{rules@idph.state.il.us}

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Skilled nursing and intermediate care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: Education/training in recreation/activities

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	License
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs in Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening
300.620	Admission and Discharge Policies
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants <u>Nurse-Aides</u>
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Behavior Emergencies (Repealed)
300.1050	Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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Section
 300.1210 General Requirements for Nursing and Personal Care
 300.1220 Supervision of Nursing Services
 300.1230 Staffing
 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section
 300.1410 Activity Program
 300.1420 Specialized Rehabilitation Services
 300.1430 Work Programs
 300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section
 300.1610 Medication Policies and Procedures
 300.1620 Conformance With Physician's Orders
 300.1630 Administration of Medication
 300.1640 Labeling and Storage of Medications
 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section
 300.1810 Resident Record Requirements
 300.1820 Content of Medical Records
 300.1830 Records Pertaining to Residents' Property
 300.1840 Retention and Transfer of Resident Records
 300.1850 Other Resident Record Requirements
 300.1860 Staff Responsibility for Medical Records
 300.1870 Retention of Facility Records
 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section
 300.2010 Director of Food Services
 300.2020 Dietary Staff in Addition to Director of Food Services
 300.2030 Hygiene of Dietary Staff
 300.2040 Diet Orders
 300.2050 Meal Planning
 300.2060 Therapeutic Diets (Repealed)
 300.2070 Scheduling Meals
 300.2080 Menus and Food Records
 300.2090 Food Preparation and Service
 300.2100 Food Handling Sanitation

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300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
 300.2210 Maintenance
 300.2220 Housekeeping
 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
 300.2410 Furnishings
 300.2420 Equipment and Supplies
 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
 300.2610 Codes
 300.2620 Water Supply
 300.2630 Sewage Disposal
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
 300.2810 Applicability of These Standards
 300.2820 Codes and Standards
 300.2830 Preparation of Drawings and Specifications
 300.2840 Site
 300.2850 Administration and Public Areas
 300.2860 Nursing Unit
 300.2870 Dining, Living, Activities Rooms
 300.2880 Therapy and Personal Care
 300.2890 Service Departments
 300.2900 General Building Requirements
 300.2910 Structural
 300.2920 Mechanical Systems
 300.2930 Plumbing Systems
 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
 300.3010 Applicability

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Codes and Standards
 Preparation of Drawings and Specifications
 300.3030 Site
 300.3040 Administration and Public Areas
 300.3050 Nursing Unit
 300.3060 Living, Dining, Activities Rooms
 300.3070 Treatment and Personal Care
 300.3080 Service Departments
 300.3090 General Building Requirements
 300.3100 Structural
 300.3110 Mechanical Systems
 300.3120 Plumbing Systems
 300.3130 Electrical Requirements
 300.3140

SUBPART P: RESIDENT'S RIGHTS

Section
 300.3210 General
 300.3220 Medical and Personal Care Program
 300.3230 Restraints
 300.3240 Abuse and Neglect
 300.3250 Communication and Visitation
 300.3260 Residents' Funds
 300.3270 Residents' Advisory Council
 300.3280 Contract With Facility
 300.3290 Private Right of Action
 300.3300 Transfer or Discharge
 300.3310 Complaint Procedures
 300.3320 Confidentiality
 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section
 300.3410 Application of Other Divisions of These Minimum Standards
 300.3420 Administrator
 300.3430 Policies
 300.3440 Personnel
 300.3450 Resident Living Services Medical and Dental Care
 300.3460 Resident Services Program
 300.3470 Psychological Services
 300.3480 Social Services
 300.3490 Recreational and Activities Services
 300.3500 Individual Treatment Plan
 300.3510 Health Services
 300.3520 Dental Services
 300.3530 Optometric Services
 300.3540

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300.3550 Audiometric Services
 300.3560 Podiatric Services
 300.3570 Occupational Therapy Services
 300.3580 Nursing and Personal Care
 300.3590 Resident Care Services
 300.3600 Record Keeping
 300.3610 Food Service
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
 300.3630 Design and Construction Standards (New and Existing Facilities)
 300.3630

SUBPART R: DAYCARE PROGRAMS

Section
 300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
 APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
 APPENDIX D Forms for Day Care in Long-Term Care Facilities
 APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
 APPENDIX F Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
 TABLE A Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
 TABLE B Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
 TABLE C Heat Index Table/Apparent Temperature
 TABLE D

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7

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111. Reg. 15864, effective November 15, 1983; amended at 7 111. Reg. 16992, effective December 14, 1983; amended at 8 111. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 111. Reg. 15947, effective August 17, 1984; amended at 8 111. Reg. 16999, effective September 5, 1984; amended at 8 111. Reg. 19766; amended at 8 111. Reg. 24186, effective November 29, 1984; amended at 8 111. Reg. 24668, effective December 7, 1984; amended at 8 111. Reg. 25102, effective December 14, 1984; amended at 9 111. Reg. 132, effective December 26, 1984; amended at 9 111. Reg. 4087, effective March 15, 1985; amended at 9 111. Reg. 11049, effective July 1, 1985; amended at 11 111. Reg. 16977, effective October 1, 1987; amended at 12 111. Reg. 1052, effective December 24, 1987; amended at 12 111. Reg. 1681, effective October 1, 1988; amended at 12 111. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 111. Reg. 4684, effective March 24, 1989; amended at 13 111. Reg. 5134, effective April 1, 1989; amended at 13 111. Reg. 20089, effective December 1, 1989; amended at 14 111. Reg. 14950, effective October 1, 1990; amended at 15 111. Reg. 554, effective January 1, 1991; amended at 16 111. Reg. 681, effective January 1, 1992; amended at 16 111. Reg. 5977, effective March 27, 1992; amended at 16 111. Reg. 17089, effective November 3, 1992; emergency amendment at 17 111. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 111. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 111. Reg. 15106, effective September 3, 1993; amended at 17 111. Reg. 16194, effective January 1, 1994; amended at 17 111. Reg. 19279, effective October 26, 1993; amended at 17 111. Reg. 19604, effective November 4, 1993; amended at 17 111. Reg. 21059, effective November 20, 1993; amended at 18 111. Reg. 1491, effective January 14, 1994; amended at 18 111. Reg. 15868, effective October 15, 1994; amended at 19 111. Reg. 11600, effective July 29, 1995; emergency amendment at 20 111. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 111. Reg. 10142, effective July 15, 1996; amended at 20 111. Reg. 12208, effective September 10, 1996; amended at 21 111. Reg. 15000, effective November 15, 1997; amended at 22 111. Reg. 4094, effective February 13, 1998; amended at 22 111. Reg. 7218, effective April 15, 1998; amended at 22 111. Reg. 16609, effective September 18, 1998; amended at 23 111. Reg. 1103, effective January 15, 1999; amended at 23 111. Reg. 8106, effective July 15, 1999; amended at 24 111. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 300.160 Issuance of a Renewal License

At least 120 days but not more than 150 days prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and the facility is in compliance with all other licensure requirements, the license shall be renewed in accordance with Section 3-110 of the Act for an additional one-year or two year period. The renewal application

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shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act [220 ILCS 4] and Section 300.163 of this Part, if applicable. (Section 3-115 of the Act)

(Source: Amended at 24 111. Reg. _____, effective _____)

Section 300.290 Quarterly List of Violators (Repealed)

- a) ~~the Department shall prepare on a quarterly basis a list containing the names and addresses of all facilities against which the Department during the previous quarter has~~
- b) ~~issued a notice of penalty assessment for a level A violation as provided in Section 300.386 of this Part and Section 3-305(i) of the Act;~~
- 2) ~~issued a notice of revocation of the facility's license as provided in Section 300.388 of this Part and Section 3-119 of the Act;~~
- 3) ~~issued a notice refusing renewal of a the facility's license as provided in Section 300.387 of this Part and Section 3-119 of the Act;~~
- 4) ~~issued a notice to suspend the facility's license as provided in Section 3-119 of the Act;~~
- 5) ~~issued a conditional license to the facility based on violations which were not corrected as provided in Section 300.269 of this Part and Section 3-313 of the Act except where the terms of the conditional license have been stayed pursuant to Section 300.368(d);~~
- 6) ~~placed a monitor in the facility as provided in Section 300.270 of this Part and Section 3-501 of the Act for one of the following reasons:~~
- A) ~~the facility is operating without a license~~
- B) ~~the Department has revoked or refused to renew the license of the facility;~~
- E) ~~the facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 90 days prior to closure;~~
- B) ~~the Department determines that an emergency exists and has issued a notice of revocation or nonrenewal against the facility's license;~~

7) ~~initiated an action to appoint a receiver;~~

8) ~~recommended to the Director of the Department of Public Aid or the Secretary of the United States Department of Health and Human Services the decertification for violations in relation to patient care of a facility pursuant to Titles XVII and XIX of the Federal Social Security Act. (42 U.S.C. 1395-ct-seq. and 1396~~

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b) *et seq.*--(Section 3-304(f) of the Act)
In addition to the name and address of the facility, the list shall include the name and address of the person or licensee against whom the action has been initiated, a self-explanatory summary of the facts which warranted the initiation of each action, the type of action initiated, the date of the initiation of the action, the amount of the penalty sought to be assessed, if any, and the final disposition of the action, if completed. (Section 3-304(b) of the Act)

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART C: POLICIES

Section 300.661 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);

3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386);

4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4);

5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); Ill. Rev.

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Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104);

6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1961, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b);

7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));

8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));

9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));

10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));

11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));

12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));

13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));

14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3); Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496);

15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));

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- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3, Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence - elements of the offenses (Section 33a-2 of the Criminal Code of 1961 [720 ILCS 5/33a-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33a-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7 and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).

b) The facility shall not knowingly employ or retain any individual in a

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- position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m)(4) and (o)(4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision--and oversight--of the physical and mental well-being of an individual who is incapable of managing his or her person--whether or not--a guardian has been appointed for that individual.
 - 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection

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(s)(4) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g)(e) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

b)(4) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (i)(4) of this Section.

i)(4) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of that the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m)(4) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

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j)(b) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k)(4) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l)(4) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m)(4) An applicant, employee or employer may request a waiver to subsection (a), or (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n)(4) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(4)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o)(4) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and

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- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

1)† An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. An individual may not be employed in a direct care position during the pendency of a waiver request. (Section 40 30(d) of the Health Care Worker Background Check Act)

2)† A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

3)† A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

4)† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a

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respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

3)† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

4)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

5)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

6)† The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 300.662 Resident Attendants

a) As used in this Section, "resident attendant" means an individual who assists residents in a facility with the following activities:

- 1) eating and drinking; and
- 2) personal hygiene limited to washing a resident's hands and face, brushing and combing a resident's hair, oral hygiene, shaving residents with an electric razor, and applying makeup. (Section 3-206.03(a) of the Act)

b) The term "resident attendant" does not include an individual who:

- 1) is a licensed health professional or a registered dietitian;
- 2) volunteers without monetary compensation;
- 3) is a nursing assistant; or
- 4) performs any nursing or nursing-related services for residents of a facility. (Section 3-206.03(b) of the Act)

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- c) A facility may employ resident attendants to assist the habilitation aides with the activities authorized under subsection (a) of this Section. The resident attendants shall not count in the minimum staffing requirements under this Part. (Section 3-206.03(b) of the Act).
- d) Each person employed by the facility as a resident attendant shall meet the following requirements:
- 1) Be at least 16 years of age; and
 - 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.
- e) Resident attendants shall be supervised by and shall report to a nurse.
- f) The facility shall develop and implement policies and procedures concerning the duties of resident attendants in accordance with this Section, and shall document such duties in a written job description. As part of the comprehensive assessment (see Section 300.1220), each resident shall be evaluated to determine whether the resident may or may not be fed, hydrated or provided personal hygiene by a resident attendant. Such evaluation shall include, but not be limited to, the resident's level of care; the resident's functional status in regard to feeding, hydration, and personal hygiene; the resident's ability to cooperate and communicate with staff.
- h) A facility may not use on a full-time or other paid basis any individual as a resident attendant in the facility unless the individual:
- 1) has completed a Department-approved training and competency evaluation program encompassing the tasks the individual provides; and
 - 2) is competent to provide feeding, hydration, and personal hygiene services. (Section 3-206.03(c) of the Act) The individual shall be deemed to be competent if he/she is able to perform hands-on return demonstration of the required skills, as determined by a nurse.
- i) The facility shall maintain documentation of completion of the training program and determination of competency for each person employed as a resident attendant.
- j) A facility-based training and competency evaluation program shall be conducted by a nurse and/or dietitian and shall include one or more of the following units:

- 1) A feeding unit that is at least five hours in length and that is specific to the needs of the residents, and that includes the anatomy of digestion and swallowing; feeding techniques; developing an awareness of eating limitations; potential feeding problems and complications; resident identification; equipment and materials; resident privacy; handwashing; use of disposable gloves; verbal and nonverbal communication skills; behavioral issues and management techniques; signs of choking; signs and

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- symptoms of aspiration; and Heimlich maneuver;
- 2) A hydration unit that is at least three hours in length and that includes the anatomy of digestion and swallowing; hydration techniques; resident identification; equipment and materials; potential hydration problems and complications; verbal and nonverbal communication skills; behavioral issues and management techniques; use of disposable gloves; signs of choking; signs and symptoms of aspiration; handwashing, and resident privacy;
 - 3) A personal hygiene unit that is at least five hours in length and includes oral hygiene technique, denture care; potential oral hygiene problems and complications; resident identification; verbal and nonverbal communication skills; behavioral issues and management techniques; resident privacy; handwashing; use of disposable gloves; hair combing and brushing; face and handwashing technique; equipment and materials; shaving technique. (Section 3-206.03(d) of the Act)
- k) All training shall also include a unit in safety and resident rights that is at least five hours in length and that includes resident rights; fire safety; use of a fire extinguisher; evacuation procedures; emergency and disaster preparedness; infection control; and use of the call system.
- 1) Each resident attendant shall be given instruction by a nurse or dietitian concerning the specific feeding, hydration, and/or personal hygiene care needs of the resident whom he or she will be assigned to assist.
 - m) Training programs shall be reviewed and approved by the Department every two years. (Section 3-206.03(d) of the Act)
 - n) Training programs shall not be implemented prior to initial Department approval.
 - o) Application for initial approval of facility-based and non-facility-based training programs shall be in writing and shall include:
 - 1) An outline containing the methodology, content, and objectives for the training program. The outline shall address the curriculum requirements set forth in subsection (h) of this Section for each unit included in the program;
 - 2) A schedule for the training program;
 - 3) Resumes describing the education, experience, and qualifications of each program instructor, including a copy of any valid Illinois licenses, as applicable; and
 - 4) A copy or description of the tools that will be used to evaluate competency.
 - p) The Department will evaluate the initial application and proposed program for conformance to the program requirements contained in this Section. Based on this review, the Department will:
 - 1) Grant approval of the proposed program for a period of two years;
 - 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revision, needed to remedy any minor

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deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content, which can be corrected by submitting a revised schedule or outline; or

- 3) Deny approval of the proposed program based on major deficiencies in the application or proposed program that would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.

9) Programs shall be resubmitted to the Department for review within 60 days prior to expiration of program approval.

1) If the Department finds that an approved program does not comply with the requirements of this Section, the Department will notify the facility in writing of non-compliance of the program and the reason for the finding.

5) If the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (r) of this Section have not been corrected within 30 days after the date of issuance of such notice, the Department will revoke its approval of the program. Any change in program content or objectives shall be submitted to the Department at least 30 days prior to program delivery. The Department will review the proposed change based on the requirements of this Section and will either approve or disapprove the change. The Department will notify the facility in writing of the approval or disapproval.

u) A person seeking employment as a resident attendant is subject to the Health Care Worker Background Check Act (Section 3-206.03(f) of the Act) and Section 340.1377 of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 300.663 Registry of Certified Nursing Assistants ~~Nurse-Aides~~

a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.

b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:

- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.156 (October 1, 1997, no further amendments or editions included)

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have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.

- 2) Documentation of successful completion of a nursing arts course (e.g., Basics in Nursing, Fundamentals of Nursing, Nursing 101) with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and, within 120 days after employment, successful completion of the Department established nursing assistant competency test.

- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, DD-214, or other written verification, and, within 120 days after employment, successful completion of the written portion of the Department established nursing assistant competency test.

- 4) Documentation of completion of a nursing program in a foreign country, including the following, and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test:

- A) A copy of the license, diploma, registration or other proof of completion of the program;
B) Proof of application to the Department of Professional Regulation for licensure in Illinois;
C) A copy of the Social Security card; and
D) Visa or proof of citizenship.

- 5) Documentation of completion of the Direct Support Core Training Program as an employee of the Department of Human Services and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test.

- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

SUBPART G: RESIDENT CARE SERVICES

Section 300.1410 Activity Program

- a) The facility shall provide an ongoing program of activities to meet the interests and the physical, mental and psychosocial well-being of each resident, in accordance with the resident's comprehensive assessment. The activities shall be coordinated with other services and programs to make the fullest possible use of both community and

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facility resources to maximize the benefits to the residents. There shall be a specific planned program of group and individual activities designed to encourage restoration to self-care and maintenance of normal activity which is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparation, conducting, cleaning, and cliche of the program. (B)

- b) Activity personnel shall be provided to meet the needs of the residents and the program. Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. This time shall be spent in providing activity programming as described in subsection (c) of this section as well as the planning and directing of the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time. (in a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day these residents spend in such programs.)

- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day that these residents spend in such programs.

- 2) Activity personnel working under the direction of the activity director shall have a minimum of 10 hours of in-service training per calendar or employment year, directly related to recreation/activities. In-service training may be provided by qualified facility staff and/or consultants, or may be obtained from college or university courses, seminars and/or workshops, educational offerings through professional organizations, similar educational offerings or any combination thereof.

- c) Activity Director and Consultant

- 1) There shall be a trained staff person shall be designated as activity director and shall be responsible for planning and directing the activities program. This person shall be regularly scheduled to be on duty in the facility at least four days per week.

- 2) If the activity director this person is not a Certified Therapeutic Recreation Specialist (CTRS), Occupational Therapist Registered and Licensed (OTR/L) or Licensed Clinical Social Worker (LCSW) who has Registered Occupational Therapist or Therapeutic Recreation Specialist, or a Certified Social Worker

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with specialized course work coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the activity director and/or activity department Activity Director at least monthly, in order to ensure make sure that the activity programming meets the needs of the residents of the facility.

- 3) Any person designated as activity director Activity Director who is responsible for planning and directing the activities program hired after December 24, 1987, shall have a high school diploma or equivalent.

- 4) Except for individuals listed in subsection (c)(2) of this section, any person hired as an activity director shall have taken a 36-hour basic orientation course or shall register to take a 36-hour basic orientation course within 90 days after employment and shall complete the course within 160 days after employment. This course shall be recognized by an accredited college or university or a nationally recognized continuing education sponsor following the International Council of Accreditation of Continuing Education Units and include at least the following: resident rights; activity care planning for quality of life; human wellness and self-esteem; etiology and symptomatology of persons who are aged, developmentally disabled or mentally ill; therapeutic approaches; philosophy and design of activity programs; activity program resources; program evaluation; practitioner behavior and ethics; resident assessment and supportive documentation; standards and regulations concerning activity programs; management and administration. Individuals who have taken a 42-hour basic activity course or a 90-hour basic education course sponsored by the Illinois Activity Professionals Association or the National Certification Council of Activity Professionals shall be considered to have met this requirement.

- 5) The activity director shall have a minimum of ten hours of continuing education per year pertaining to activities programming.

- 5) Consultation will be required only every six months when the activity director meets or exceeds the following criteria:
A) High school diploma or equivalent, five years of full-time or 10,000 hours of part-time experience in activities (three years of that experience as an activity director), and completion of a basic orientation course of at least 36 hours; or

- 6) Consultation shall be required only quarterly when the activity director meets or exceeds the following criteria:

- A) High school diploma or equivalent, five years of full-time or 10,000 hours of part-time experience in activities (three years of that experience as an activity director), and completion of a basic orientation course of at least 36 hours; or
B) A two-year associate's degree, three years of experience as

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an activity director, and completion of a basic orientation course of at least 36 hours; or

c) A four-year degree, one year of full-time experience as an activity director, and completion of a basic orientation course of at least 36 hours.

d) Written ~~these shall be written~~ permission, with any contraindications stated, shall be given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. (b) Activity program staff shall participate in a comprehensive assessment of each resident, which shall include the following:

1) Background information, including education level, cultural/social issues, and spiritual needs;

2) Current functional status, including communication status, physical functioning, cognitive abilities, and behavioral issues; and

3) Leisure functioning, including attitude toward leisure, awareness of leisure resources, knowledge of activity skills, and social interaction skills and activity interests, both current and past.

f) The activity staff shall participate in the development of an individualized plan of care addressing needs and interests of the residents, including activity/recreational goals and/or interventions.

g) The facility shall provide a specific, planned program of individual (including self-initiated) and group activities that are aimed at improving, maintaining, or minimizing decline in the resident's functional status, and at promoting well-being. The program shall be designed in accordance with the individual resident's needs, based on past and present lifestyle, cultural/ethnic background, interests, capabilities, and tolerance. Activities shall be daily and shall reflect the schedules, choices, and rights of the residents (e.g., morning, afternoon, evenings and weekends). The residents shall be given opportunities to contribute to planning, preparing, conducting, concluding and evaluating the activity program.

h) The activity program shall be multifaceted and shall reflect each individual resident's needs and be adapted to the resident's capabilities. The activity program philosophy shall encompass programs that provide stimulation or solace; promote physical, cognitive and/or emotional health; enhance, to the extent practicable, each resident's physical and mental status; and promote each resident's self-respect by providing, for example, activities that support self-expression and choice. Specific types of activities may include:

- 1) Physical activity (e.g., exercise, fitness, adapted sports);
- 2) Cognitive stimulation/intellectual/educational activity (e.g., discussion groups, reminiscence, guest speakers, films, trivia, quizzes, table games, puzzles, writing, spelling, newsletters);
- 3) Spiritual/religious activity (e.g., religious services, spiritual study groups, visits from spiritual support groups);

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4) Service activity (e.g., volunteer work for the facility, other individuals and/or the community);

5) Sensory stimulation (e.g., tactile, olfactory, auditory, visual and gustatory);

6) Community involvement (e.g., community groups coming into the facility for intergenerational programs, special entertainment and volunteer visits; excursions outside the facility to museums, sporting events, entertainment, parks);

7) Expressive and creative arts/crafts (adapted to the resident's capabilities), music, movement/dance, horticulture, pet-facilitated therapy, drama, literary programs, art, cooking;

8) Family involvement (e.g., correspondence, family parties, holiday celebrations, family volunteers; and

9) Social activity (e.g., parties and seasonal activities).

i) If residents participate in regularly scheduled therapeutic programs outside the facility (e.g., school, employment, or sheltered workshop), the residents' needs for activities shall be met while they are in the facility.

j) Residents' participation in and response to the activity program shall be documented at least quarterly and included in the clinical record. The facility shall maintain current records of resident participation in the activity program.

k) The activity program should include at a minimum the following program areas:

1) Recreational activities (examples: games, both quiet and active; parties; outside entertainment);

2) Crafts (applicable for both men and women);

3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; and grace at meals); these are in addition to routine religious services;

4) Service activities for community and facility (examples: assist one's own area in the facility; and helping to fold linen);

5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; planned group discussion; quizzes; and word games; resident newsletter);

6) Community activities (examples: residents' participation in community activities such as plays, church events, band concerts and tours);

7) A planned volunteer or auxiliary program that assists with the activities program shall be encouraged; it shall be under the direction of a staff member in a supervisory capacity;

8) Documentation of resident's response to program shall be part of the resident's record as set forth in Section 300.108(c).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 300.1440 Volunteer Program

- a) If the facility has a volunteer or auxiliary program, a facility staff person shall direct the program. Community groups such as Boy and Girl Scouts, church groups and civic organizations that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers for the purposes of this Section.
- b) Volunteers shall complete a standard, comprehensive orientation program, in accordance with their facility responsibilities and with the facility's policies and procedures governing the volunteer program. The orientation shall include, but not be limited to:
- 1) Residents' rights;
 - 2) Confidentiality;
 - 3) Disaster preparedness (i.e., fire, tornado);
 - 4) Emergency response procedures;
 - 5) Safety procedures/precautions;
 - 6) Infection control; and
 - 7) Body mechanics.
- c) Volunteers shall respect all aspects of confidentiality.
- d) Volunteers shall be informed of and shall implement medical and physical precautions related to the residents with whom they work.
- e) Volunteers shall not take the place of qualified staff (e.g., activity professionals, nursing assistants, or case workers).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)

	Education	Total-Experience in-Activities	Experience-as Activity-Director	Basic Training
1- High-School diploma-or equivalent		6-years	3-years	Completion-of-a-basic orientation-course-of at-least-36-hrs.
2- 2-year associate degree		4-years	3-years	Completion-of-a-basic orientation-course-of at-least-36-hrs.
3- Therapeutic Recreation Assistant-or Certified Occupational Therapy-Assistant		2-years	2-years	Completion-of-a-basic orientation-course-of at-least-36-hrs.
4- 4-year-degree		2-years	2-years	Completion-of-a-basic orientation-course-of at-least-36-hrs.

The-basic-orientation-course-for-activity-shall-include-material-related-to life-span--changes--resident--righter--etiology--and--symptomatology-of-aged developmentally disabled--and-mentally ill-residents; therapeutic approaches; communication--philosophy--and--design-of-activity-programs; activity program resources--standards--and--regulations--documentation--and--management--and administration;

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Subacute Care Hospital Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 270
- 3) Section Numbers: 270.2250
Proposed Action: New Section
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3] and Health Care Worker Background Check Act [225 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 270 prescribe requirements for subacute care hospital models under the Alternative Health Care Delivery Act (210 ILCS 3).

Public Act 91-598 (effective January 1, 2000) amended the Health Care Worker Background Check Act [225 ILCS 46] to include "locations licensed under the Alternative Health Care Delivery Act" in the definition of "health care employer". The Health Care Worker Background Check Act requires non-licensed direct care workers to have an Illinois State Police criminal history records check as a condition of employment by a health care employer.

A new Section implementing health care worker background check requirements is being added to the rules. Procedures for initiating background checks are set forth. The amendments list crimes for which a conviction will disqualify an individual from employment. Procedures for obtaining a waiver from the Department, which will allow the individual to work, are included. Guidelines for determining which employees provide "direct care" are included. Notification and record-keeping procedures are specified. Exceptions to the background check requirements are stated. In addition, the amendments include provisions governing individuals who have convictions in other states; individuals who contest the results of the non-fingerprint-based records check; and employers who have actual knowledge of an employee's conviction subsequent to completion of the non-fingerprint check.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No

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- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
(rules@dp.h.state.il.us)

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Subacute care facilities
 - B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Record-keeping procedures are set forth in the proposed amendments.
 - C) Types of Professional Skills Necessary for Compliance: Administrative, human resources
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 270

SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section

- 270.1000 Definitions
- 270.1050 Statutes and Rules Referenced
- 270.1100 Demonstration Program Elements
- 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model
- 270.1300 Obligations and Privileges of Subacute Care Hospital Models
- 270.1400 Inspections and Investigations
- 270.1500 Notice of Violation and Plan of Correction
- 270.1600 Adverse License Action
- 270.1700 Admission Practices
- 270.1800 Patient Assessment
- 270.1900 Comprehensive Care Plan
- 270.2000 Patient's Rights
- 270.2100 Patient Care Services
- 270.2200 Personnel
- 270.2250 Health Care Worker Background Check
- 270.2300 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 18 Ill. Reg. 2424, effective January 28, 1994; amended at 19 Ill. Reg. 6315, effective May 1, 1995; amended at 22 Ill. Reg. 2207, effective January 15, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 270-2250 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):
 - 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
 - 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);

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- 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1961, ch. 38, par. 9-1.1);
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491);
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19)).

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- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21)).
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95)).
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33)).
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3)) (formerly Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262A, 273, 290, 291, 301A, 354, 387 to 388b, 389, 393 to 400, 404A to 404C, 438, 492 to 496)).
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3)).
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286)).
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2)).
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]).
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501)).
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4)).
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238)).
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.3 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152A, 155A to 158b, 414A to 414C, 414E, and 414G)).
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev.

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- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354)).
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368)).
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)).
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
 - 1) "applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

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- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (5) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined

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- that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.
- 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.
 - 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)
 - 1) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
 - k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
 - 1) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)
 - m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:
 - 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and
 - 2) A certified check, money order or facility check made payable to

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the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

- The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (a)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)
- The Department may grant a waiver based on mitigating circumstances, which may include:
- 1) The age of the individual at which the crime was committed;
 - 2) The circumstances surrounding the crime;
 - 3) The length of time since the conviction;
 - 4) The applicant's or employee's criminal history since the conviction;
 - 5) The applicant's or employee's work history;
 - 6) The applicant's or employee's current employment references;
 - 7) The applicant's or employee's character references;
 - 8) Nurse Aide Registry records; and
 - 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(g) of the Health Care Worker Background Check Act)

A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

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- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
 - 4) a signed affidavit from the individual concerning the validity of the report; or
 - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Inspection Procedures for Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 441
- 3) Section Numbers:
441.40
441. APPENDIX J
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and authorized by the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].
- 5) A complete description of the subjects and issues involved: This proposed amendment is identical to the text of the emergency amendments to Part 441 found elsewhere in this issue of the *Illinois Register*. Please see the complete description of subjects and issues involved and the reason for the emergency on the Notice of Emergency Amendments for an explanation of the proposed amendments. These proposed amendments will replace the emergency amendments after the expiration of the 150-day period.
- 6) Will this proposed rulemaking replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will affect units of local government that may own or operate school buses.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail: Ms. Catherine Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:
DOT Annex Building

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date after publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Small businesses that own or operate school buses will be affected by this rulemaking.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

C) Types of professional skills necessary for compliance: No additional skills are required.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent agendas because the Department did not anticipate the problem until industry brought the request for relief.

The full text of the proposed Amendments is identical to the text of the emergency amendments that appears in this issue of the *Illinois Register* on

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Minimum Safety Standards for Construction of Type 1 School Buses

2) Code Citation: 92 Ill. Adm. Code 440

3) Section Numbers:
440.220 Proposed Action:
440.420 Amend
Amend

4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

5) A. Complete Description of the Subjects and Issues Involved: This proposed amendment is identical to the text of the emergency amendments to this Part found elsewhere in this issue of the *Illinois Register*. Please see the complete description of the subjects and issues involved and the reason for the emergency on the Notice of Emergency Amendments for an explanation of these proposed amendments. These proposed amendments will replace the emergency amendments after the expiration of the 150-day period.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217)785-1181

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217)782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that own or operate school buses will be affected by this rulemaking.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

C) Types of professional skills necessary for compliance: No additional skills are required.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate the problem until industry brought the request for relief

The full text of the Proposed Amendment is identical to the text of the emergency amendment that appears in this issue of the *Illinois Register* on page

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part: Electronic Fund Transfers2) Code Citation: 38 Ill. Adm. Code 3153) Section Number: 315.410
Adopted Action:
New4) Statutory Authority: Implementing Section 50(e) of the Electronic Fund Transfer Act (205 ILCS 616/50(e)) and authorized by Section 20(1) of the Electronic Fund Transfer Act (205 ILCS 616/20(1)).5) Effective Date of Adopted Amendment: March 10, 20006) Does this amendment contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Date Notice of Proposed Amendments was published in Illinois Register:
December 10, 1999, Issue 50, 23 Ill. Reg. 1414010) Has JCAR issued a Statement of Objection to this amendment? No11) Differences between proposal and final version: There are technical and formatting changes recommended by the Joint Committee on Administrative Rules and the Administrative Code Department. Additionally, there was a minor change requested by Cash Station, Inc., which the Agency agreed to make.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace emergency amendments currently in effect? No14) Are there any other proposed amendments pending on this Part? No15) Summary and Purpose of Amendments: This amendment clarifies the requirements for surcharge signage and display screen disclosures on an electronic fund transfer terminal.16) Information and questions regarding these adopted amendments shall be directed to: Christopher J. Siebel
Office of Banks and Real Estate 217/782-6167
500 East Monroe
Springfield, Illinois 62701 Fax: 217/524-5941OFFICE OF BANKS AND REAL ESTATE
NOTICE OF ADOPTED AMENDMENTSThe full text of the adopted amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE
PART 315
ELECTRONIC FUND TRANSFERS

SUBPART A: DEFINITIONS

Section
315.110

Definitions

SUBPART B: ARBITRATION OF DISPUTES

Section

315.210
Scope and Authority
315.220 Statement of Claim, Response and Reply
315.230 Motions
315.240 Appearances
315.250 Appointment of Hearing Officer
315.260 Service
315.270 Procedures

SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section

315.310

Fees and Charges

SUBPART D: TERMINALS

Section

315.410

Requirements for Surcharge Signage

AUTHORITY: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

SOURCE: Adopted at 20 Ill. Reg. 10832, effective August 1, 1996; amended at 24 Ill. Reg. 4932, effective MAY 10 2000.

AGENCY NOTE: 38 Ill. Adm. Code 310, Electronic Fund Transfers, was repealed and this Part 38 Ill. Adm. Code 315, Electronic Fund Transfers, was adopted at 20 Ill. Reg. 10832, effective August 1, 1996.

SUBPART D: TERMINALS

Section 315.410 Requirements for Surcharge Signage

No person operating a terminal in this State shall impose any surcharge on a

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NOTICE OF ADOPTED AMENDMENTS

consumer for the usage of that terminal unless that surcharge is clearly disclosed to the consumer by signage and display screen disclosures that comply with the following requirements:

- a) The sign must be on or at the terminal and be clearly visible to a consumer while operating the terminal.
- b) The sign must be no smaller than 4" x 4". It must bear the heading "FEE NOTICE" in at least 18 point type centered at the top of the notice. The actual text of the disclosure must be in at least 14 point type.
- c) The sign must clearly state the following:
 - 1) Name of the terminal operator.
 - 2) Explanation that transactions will receive a surcharge that will be deducted from the consumer's account in addition to any fees imposed by the access device issuer.
 - 3) Amount of calculation of the surcharge fee.
 - 4) The surcharge is assessed by the terminal operator and not the access device issuer.
 - d) The display screen must, for a reasonable duration, clearly state the amount or calculation of the surcharge fee. In addition, the display screen must clearly give the consumer the unconditional right to cancel the transaction without incurring the surcharge fee.
 - e) This Section does not apply to a point-of-sale purchase transaction at a terminal.

(Source: Added at 24 Ill. Reg. 4932, effective MAY 10 2000.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Determining Special Education Per Capita Tuition Charge

2) Code Citation: 23 Ill. Adm. Code 130

3) Section Number:
 130.10 Adopted Action:
 Amendment
 130.30 Amendment
 130.40 Amendment
 130.45 Amendment

4) Statutory Authority: 105 ILCS 5/14-7.01

5) Effective Date of Rules: March 10, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? The amendments do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 18, 1999; 23 Ill. Reg. 6990

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 130.10, the definition of "exceptional Pupils" has been changed so the term defined is "Eligible Pupils". Within that definition, the reference to "disabled pupils, ages three through 21" has been replaced with the phrase "children with disabilities".

The proposed new last sentence in the definition of "Program" has been deleted.

The last line of the definition of "Special Education" has been revised to refer to "eligible pupils" instead of "exceptional pupils".

Within Section 130.30, subsections (e)(1)(B), (e)(1)(C), (e)(3), and (g) have all been revised to refer to "eligible pupils" instead of "exceptional pupils".

Section 130.30(f) has been changed so that the second line of subsection (1) refers to "buildings owned by a local educational agency" instead of

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NOTICE OF ADOPTED AMENDMENTS

to "district-owned buildings".

Section 130.30(k) was revised to state, "Interest paid...shall be segregated" (instead of "should be segregated").

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments are being made for the purpose of adding some provisions whose advisability has become apparent since the rules were first put in place. For example, staff have recognized that some legal and interest expenses are legitimate in connection with special education programs and that, in some cases, the cost of operation and maintenance is more correctly tied to the total square footage used than to classroom space. In the same vein, it seems clear that the depreciation threshold needs to be raised in acknowledgment of today's costs. The rules also include numerous instances of updating and changes that are merely technical.

16) Information and questions regarding these adopted amendments shall be directed to:

Marcia Sailsbury
 Division of Funding and Disbursements
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 (217) 782-5256

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER C: FINANCE

PART 130

DETERMINING SPECIAL EDUCATION PER CAPITA TUITION CHARGE

Section

130.10 Definitions

130.20 Applicability

130.30 Allowable Expenditures for Determining Per Capita Cost

130.40 Expenditures Not Allowed in the Per Capita Cost

130.45 Calculation of Individual Cost

130.50 Tuition Billing

AUTHORITY: Implementing and authorized by Section 14-7.01 of the School Code [105 ILCS 5/14-7.01].

SOURCE: Adopted at 11 Ill. Reg. 5942, effective March 23, 1987; amended at 16 Ill. Reg. 9475, effective June 9, 1992; amended at 24 Ill. Reg. 4936, effective MAY 10 2000.

Section 130.10 Definitions

"Average Daily Attendance" - The number of full-time equivalent days a pupil is in attendance in a program divided by the number of days school is in session.

"Average Daily Enrollment" - For an individual pupil, the number of days a pupil is enrolled in a program divided by the number of days a program is in session, multiplied by the percentage of the school day the pupil participates in the program. For a program, the Average Daily Enrollment is the total of the Average Daily Enrollment figures for all students enrolled in it.

"District Per Capita Tuition Charge" - District expenditures (including allowable depreciation) associated with providing education during the regular school term from local taxes and common school fund monies, calculated by deducting revenues for various state categorical programs as shown on the district's annual financial statement filed in accordance with Section 3-15.1 of the School Code [105 ILCS 5/3-15.1], local user fees, and federal receipts, other than federal impact aid, from the operating expense; then dividing the result by the annual average daily attendance of the district.

"Eligible Exceptional Pupils" - All handicapped children with disabilities ~~pupils~~ ~~ages-three-through-21~~, as defined in Sections

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14-1.02 and 14-1.03a of the School Code [105 ILCS 5/14-1.02 and 14-1.03a], and in 23 Ill. Adm. Code 226 (Special Education).

"Local Education Agency" - A public educational agency at the local level which operates schools or contracts for educational services. This includes school districts, school districts providing services under a joint agreement pursuant to Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a], educational service regions pursuant to Section 3A-1 of the School Code [105 ILCS 5/3A-1], educational service centers pursuant to Section 2-3.62 of the School Code [105 ILCS 5/2-3.62], and governing boards formed pursuant to Section 10-22.31 or Section 3-15.14 of the School Code [105 ILCS 5/10-22.31 or 3-15.14].

"Local Educational Facilities" - Buildings, including sites and site improvements, operated by a local education agency.

"Program" - Any combination of special education instructional services, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities designated by a local education agency as constituting a specific special education program for purposes of this Part (e.g., behavior disordered, learning disabled, mentally impaired) which also conforms to the requirements set forth in Section 110.50(c)(1) of the Program Accounting Manual (23 Ill. Adm. Code 110).

"Special Education" - Those instructional programs, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities described in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226 (Special Education), which modify, supplement, support, or are in place of the standard educational program of the public school, and which are needed to meet the needs of eligible ~~exceptional~~ pupils.

"Special Educational Facility and Services" - For the purpose of this Part ~~these regulations~~, this term has the meaning given it ~~is defined as~~ in Section 14-1.08 of the School Code [105 ILCS 5/14-1.08].

"Special Education Per Capita Cost" - The average expenditure per eligible pupil incurred by a local education agency in the implementation and maintenance of each special education program (e.g., behavior disordered, learning disabled, mentally impaired). Such per capita costs shall be computed by dividing the allowable program expenditures by the average daily enrollment of all eligible participating pupils in the manner prescribed in this Part ~~these rules~~.

"Special Education Pupil Transportation" - Those transportation services which are in addition to the regular pupil transportation

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- 1) Expenditures for the operation and maintenance of buildings owned by a local education agency shall be allocated to each program according to the number of classrooms used and the average cost per classroom. The average cost per classroom shall be identified by dividing the total amount of expenditures for operations and maintenance, excluding capital outlay, by the total number of classrooms reported to the State Board of Education on the facility inventory report.
- 2) If a privately owned building is used, the portion of the operation and maintenance costs attributable to a specific program shall be determined by dividing the square footage of the portion of the building so used by the square footage of the building or buildings for which operation and maintenance costs are incurred.
- 3) Depreciation and Rent
 - 1) Depreciation of physical facilities owned by the local education agency shall be calculated using the rate provided in Section 14-7.01 of the School Code [105 ILCS 5/14-7.01]. The local education agency may not rent facilities from itself. The depreciation rate specified in Section 14-7.01(f) of the School Code must be applied to all owned facilities. Operations and maintenance costs for owned facilities may be claimed as provided in subsection (i) of this Section.
 - 2) If the local educational facility is rented by the local education agency, the actual rent paid for the physical facilities is to be divided by the average daily enrollment of the pupils served within the facility. If the rented facility is used for both instructional and administrative functions, the square footage used for instruction shall be divided by the total square footage rented. The result of this division shall be multiplied by the rental fee paid to determine the portion of rent applicable to the program.
- k) Interest paid for costs of operating a program approved pursuant to Section 14-7.03 of the School Code shall be segregated in the accounts of the local agency and claimed in total. Per capita interest costs shall be computed by dividing the other interest expenditures recorded in function 5100, exclusive of ~~but not including~~ interest for capital expenditures, by either:
 - 1) the total number of pupils enrolled, if the local education agency serves both special and regular education students; or
 - 2) the total number of special education pupils enrolled, if the local education agency serves only special education students.
- l) Twenty percent of the total cost incurred for special education pupil transportation, or such total cost minus reimbursement received during the current year from the State of Illinois under Section 14-13.01(b) of the School Code [105 ILCS 5/14-13.01(b)], whichever is less, may be included in the computation of the per capita cost. However, for pupils claimed under Section 14-7.03 of the School Code, one hundred

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- percent of the transportation costs shall be included in the computation and not claimed for special education pupil transportation reimbursement.
- m) Non-special education (i.e., regular) program costs charged to other districts must be calculated in accordance with Section 10-20.12a of the School Code [105 ILCS 5/10-20.12a] and billed to the ~~resident~~ district of residence based on a percentage of the student's time spent in non-special education classes.
 - n) Social Security and Illinois Municipal Retirement Fund contributions by the employer; the amounts so recovered shall be returned to the fund(s) from which the expenditures were made.
 - o) Expenditures for liability insurance; the amounts so recovered shall be returned to the fund(s) from which the expenditures were made.

(Source: Amended at 24 Ill. Reg. 49 3 6, effective MAY 10 2000)

Section 130.40 Expenditures Not Allowed in the Per Capita Cost

- a) Food service expenditures may not be claimed for reimbursement under Section 14-7.02a ~~14-7.02f~~ or 14-7.03 of the School Code [105 ILCS 5/14-7.02a or 14-7.03], unless they are directly related to instructional methodology or techniques, for example in homemaking, cooking, or consumer education courses. However, food service expenditures may be billed to the district of residence of a pupil served.
- b) Expenditures from revenue received from state reimbursement during the current year for special education personnel under Section 14-13.01 of the School Code, allocated to each program based on the number of positions in the program divided by the number of positions claimed for special education personnel reimbursement.
- c) Expenditures which are reimbursed from federal sources, except for health care services; the amount of federal reimbursement for such services need not be deducted.
- d) Expenditures for life-safety building improvements or asbestos abatement.
- e) Expenditures classified (see 23 Ill. Adm. Code 110, Table D) as Capital Outlay (object code 500), except specialized equipment purchased for the specific special education program, which may be included based upon a depreciation schedule of five years.
- f) Expenditures for purchased services (object code 300) other than those recorded in accounts 1201-1239 ~~1268-1214-er-1228~~ (Instruction), 2113 (Social Work Services), 2130 (Health Services), 2140 (Psychological Services), 2150 (Speech Pathology and Audiology Services), 2210 (Improvement of Instruction), and 2220 (Educational Media Services), and 2540 (Operation and Maintenance).
- g) Expenditures applicable to one student only.

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(Source: Amended at 24 Ill. Reg. 4936 effective MAY 11 2000)

Section 130.45 Calculation of Individual Cost

- a) The individual cost for a specific special education pupil is the per capita cost of the specific special education program in which the pupil is enrolled plus the result of multiplying:
 - 1) the serving district's per capita tuition rate as computed per Section 10-20.12a 48-26727 of the School Code, by
 - 2) the percentage of the school week the pupil spends in the regular education program, as stated in the pupil's Individualized Education Program (IEP) at the time the pupil entered the specific special education program for the school year being billed or claimed, by
 - 3) the average daily enrollment of the pupil.
- b) When the local education agency providing educational services also provides special transportation services to the pupil, the serving local education agency may calculate the pupil's transportation cost and add this transportation cost to the tuition bill. These transportation costs, paid by the district of residence, may not be claimed by the serving local education agency under Section 14-13.01(b) of the School Code. The district of residence may claim 20 percent of the transportation cost for the pupil when the pupil's education costs are claimed for reimbursement under Section 14-7.02a 44-7627 of the School Code. However, if the pupil is claimed for reimbursement under Section 14-7.03 of the School Code, 100 percent of the transportation cost may be claimed.
- c) The individual cost may not be included in the per capita cost for the program may be included in the individual cost. These costs are limited to:
 - 1) an individual aide for one or two pupils;
 - 2) special equipment for one individual pupil;
 - 3) specific, unique related services provided for a pupil which are not provided to other pupils in the program, which are not a part of the normal program service configuration, and whose costs are not included in the special education per capita cost for the program; and
 - 4) legal costs associated with students eligible, served, and claimed under Section 14-7.03 of the School Code.

(Source: Amended at 24 Ill. Reg. 4936 effective MAY 11 2000)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Numbers: 830.10 Adopted Action: Amendments
830.60
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5).
- 5) Effective Date of Amendments: March 13, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 27, 1999, 23 Ill. Reg. 14653
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments were made to this Part to remove a threatened species from the commercial mussel list and to close Clear Lake to commercial fishing prior to and during waterfowl hunting season.
- 16) Information and questions regarding these adopted amendments shall be directed to: Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787 217/782-1809

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NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendment at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9885, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective MAR 13 2000.

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and adjacent backwaters including that portion of the Kaskaskia River below the navigation lock and dam, except Quincy Bay, including Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).

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- b) Illinois River and adjacent backwaters from Route 89 highway bridge downstream, except for:
- 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Donnelly/Deque Fish and Wildlife Area;
 - 3) Rice Lake Complex, including all of Big Lake; and
 - 4) Meredosia Lake in Cass and Morgan Counties during duck season; and -
- 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season.
- c) Wabash River.
- d) Embarras River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork, from Route 51 downstream to the Mississippi River via Cache River Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline counties.
- l) Ohio River.

(Source: Amended at 24 Ill. Reg. 4945, effective MAR 13 2008)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish (only in waters specified in Section 830.30)
- 6) Carpsuckers
- 7) Suckers (except Longnose Sucker)
- 8) Redhorses (except River Redhorse and Greater Redhorse)
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin
- 12) American muskel
- 13) Shovelnose sturgeon
- 14) Gizzard shad
- 15) White amur (grass carp)

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- 16) Minnows
 - 17) Goldfish
 - 18) Bighead Carp and Silver Carp
- b) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megalania nervosa*) (Ohio River Only)
 - 2) Threeridge (*Ambiema plicata*)
 - 3) Mapleleaf (*Quadrula quadrula*)
 - 4) Pimpleback (*Quadrula pustulosa*)
 - 5) Monkeyface (*Quadrula metanevra*)
 - 6) Nartyback (*Quadrula nodulata*)
 - 7) Pigtoe (*Fusconaia flava* forma undata)
 - 8) Hickory Nut (*Obovaria olivaria*)
 - 9) Pink Heelsplitter (*Potamilus alatus*)
 - 10) Pocketbook (*Lampsilis ovata*)
 - 11) Black-Sandshell (*Sigambra recta*)

(Source: Amended at 24 Ill. Reg. 4945, effective MAR 13 2008)

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1) Heading of the Part: Disabled Hunting Method Authorizations2) Code Citation: 17 Ill. Adm. Code 7603) Section Numbers: Adopted Action:

760.10 New Section

760.20 New Section

760.30 New Section

760.40 New Section

4) Statutory Authority: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].5) Effective Date of Rules: March 13, 20006) Does this rulemaking contain an automatic repeal date? No7) Do these rules contain incorporations by reference? No8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: December 10, 1999, 23 Ill. Reg. 1419210) Has JCAR issued a Statement of Objection to these rules? No11) Differences between proposal and final version:

Section 760.10(c) - Subsection was removed.

Section 760.20(a) - a period was inserted following "arrow device" and the last sentence was changed to read as follows: "A person who meets any of the following automatically qualifies for a crossbow permit:"

Section 760.20(b) - A new subsection (b) was added, and the subsequent subsections re-labeled:

- b) Any other permanent physical disability that renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the application by the physician.

Section 760.20(e) - Section was changed to read as follows:

- e) Reapplication will require the applicant to certify that he is still suffering from a permanent

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physical disability which renders him unable to use a conventional bow and arrow device.

Section 760.30(d) - Was changed to read as follows:

- d) Reapplication for a Class A permit will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to walk. Reapplication for a Class B permit requires the same documentation as an original application.

Section 760.40(a) - following "permit complies with" added "the intent of"; changed "all costs of the review procedure" to "all costs of the physician's services".

Section 760.40(b)(2) - Replaced "Obtaining" with "Submitting".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: These rules regulate the issuance of crossbow and standing vehicle permits, set eligibility standards, equipment standards, and procedures for both the public and the Department.16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER 11: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 760

DISABLED HUNTING METHOD AUTHORIZATIONS

Section

760.10 Issuance of Permits

760.20 Crossbow Permits

760.30 Standing Vehicle Permits

760.40 Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950 effective
MAR 13 2004

Section 760.10 Issuance of Permits

a) The Department of Natural Resources (Department) may, after investigation, issue a permit to hunt with a crossbow or from a standing vehicle to any qualified person as provided in Sections 760.20 and 760.30.

b) An applicant for a crossbow or standing vehicle permit shall submit an application on a form prepared and furnished by the Department, which shall include a written statement or report prepared and signed by a licensed physician, no more than 3 months preceding receipt of the application by the Department, verifying that the applicant is physically disabled as defined in Section 760.20(a) or 760.30(a) of this Part.

Section 760.20 Crossbow Permits

a) Eligibility

After proper application, the Department may issue a permit to hunt with a crossbow to those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, that renders them so severely disabled as to be unable to use a conventional bow and arrow device. A person who meets any of the following automatically qualifies for a crossbow permit:

- 1) Has an amputation or other loss of one or more arms.
- 2) Has an amputation or other loss of the index and middle finger on the draw and release hand.
- 3) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the

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direction of a licensed physician:

A) Upper extremity pinch.

B) Grip.

C) Nine-hole peg.

4) Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.

b) Any other permanent physical disability that renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the application by the physician.

c) Permits issued under this Section shall be valid for a period of 3 years from the date of issuance specified on the permit.

d) Loss of the crossbow hunting permit shall require the holder to reapply.

e) Reapplication will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to use a conventional bow and arrow device.

f) Crossbow Equipment Requirements

Section shall meet all of the following specifications:

1) Shall have a minimum peak draw weight of 125 pounds and a maximum peak draw weight of 200 pounds.

2) Shall have a minimum limb width of 24 inches and a minimum overall length (from butt of stock to front of limbs) of 24 inches.

3) Shall have a working safety.

4) Shall be used with bolts or arrows of not less than 14 inches in length (not including point) with a broadhead. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal.

In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State owned and managed hunting areas for the taking of upland game.

g) Crossbow Hunting Rules

1) Crossbow permit holders are authorized to take game species during the seasons open to their taking by the use of archery devices. Season dates, hours, daily limits, possession limits, and all other requirements of law apply.

2) The issuance of a crossbow permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.

3) The crossbow permit must be carried by the hunter while exercising this privilege and must be presented to any law enforcement authority upon request.

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Section 760.30 Standing Vehicle Permits

a) Eligibility

- 1) Class A - Permanent Disability
After proper application, the Department may issue a Class A permit to shoot from a standing vehicle to persons physically unable to walk due to a permanent disability.
- 2) Class B - Temporary Disability
After proper application, the Department may issue a Class B permit to shoot from a standing vehicle to persons physically unable to walk due to a temporary disability. The licensed physician completing the medical portion of the application must provide an approximation of how long it will be before the applicant has sufficiently recovered to the point that he/she is no longer physically unable to walk.
- 3) For the purposes of this Section, "physically unable to walk" shall mean that the applicant is incapable of walking more than 2 steps (4 feet).
- b) Class A permits issued under this Section shall be valid for a period of 3 years from the date of issuance as specified on the permit. Class B permits issued under this Section shall be valid for a period of not more than 90 days from the date of issuance as specified on the permit.
- c) Loss of the standing vehicle hunting permit shall require the holder to reapply.
- d) Reapplication for a Class A permit will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to walk. Reapplication for a Class B permit requires the same documentation as an original application.
- e) Standing Vehicle Hunting Rules
 - 1) Standing vehicle permit holders are authorized to shoot from a vehicle that is totally immobile with the engine turned off. When the vehicle is moving, guns must be unloaded and enclosed in a case, and bow and arrow devices unstrung, enclosed in a case or otherwise rendered inoperable, in accordance with Section 2.33(n) of the Wildlife Code [520 ILCS 5/2.33(n)].
 - 2) The standing vehicle permit applies only on private property where permission of the landowner has been obtained. It does not apply on public roadways. Persons wishing to shoot/hunt from a standing vehicle on Department-owned or managed properties must obtain permission from the Site Superintendent in accordance with 17 Ill. Adm. Code 110.
 - 3) Season dates, hours, daily limits, possession limits, and all other requirements by law apply.
 - 4) The issuance of a standing vehicle permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.
 - 5) The standing vehicle permit must be carried by the hunter while

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exercising this privilege and must be presented to any law enforcement authority upon request.

Section 760.40 Rejection of Application/Revocation of Permits

- a) The Department may issue a permit to an applicant who is denied a permit under this Part if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician selected by the applicant from a list of licensed physicians compiled by the Department, the Department finds that issuance of a permit complies with the intent of this Part. The use of this review procedure must be initiated by written request for review from the applicant, and all costs of the physician's services shall be paid by the applicant.
- b) In the event that an applicant for or holder of a crossbow or standing vehicle permit is in violation of this subsection (b), the application will be denied or the permit will be revoked in addition to any other penalties. The applicant/holder of the permit may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Violations are as follows:
 - 1) Providing false and/or deceptive information on the permit application form.
 - 2) Submitting an application during the period when the applicant has a license/permit currently revoked or privileges suspended pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
 - 3) Any violations of the Wildlife Code [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code: Chapter 1), in addition to other penalties, may result in the revocation of crossbow and standing vehicle permits as per 17 Ill. Adm. Code 2530.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hearing Screening

2) Code Citation: 77 Ill. Adm. Code 675

3) Section Numbers: Proposed Action:
 675.10 Amendment
 675.40 Amendment
 675.30 Amendment
 675.100 Amendment
 675.110 Amendment
 675.140 Amendment
 675.200 Amendment

4) Statutory Authority: Implementing and authorized by the Child Vision and Hearing Test Act [410 ILCS 205].

5) Effective Date of amendments: March 20, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: April 23, 1999, 23 Ill. Reg. 5062

10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No

11) Difference Between Proposal and Final Version: Various typographical, grammatical, and form changes were made in response to comments from the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreements issued by the Joint Committee.

13) Will the rulemaking replace an emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking provides an update of the Department program of hearing screening services for children. Requires audiometers to meet ANSI 3.6 (1996) standards. Recommends

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hearing screening for children in grades 4, 6, 8, 10, and 12. Provides that for known hearing losses, an audiological evaluation may be accepted instead of the threshold screening. Deletes certain training guidelines. Provides additional definitions of rule terms.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul D. Thompson
 Division of Legal Services
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 (217) 782-2043
 (rules@ph.state.il.us).

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 3: VISION AND HEARING

PART 675
HEARING SCREENING

SUBPART A: GENERAL PROVISIONS AUTHORITY--APPLICABILITY--AND
DEFINITIONS

Section

675.10
675.20
675.30
Incorporated Materials

SUBPART B: STANDARDS, PROCEDURES, TECHNIQUES
AND CRITERIA FOR HEARING SCREENING

Section

675.100
675.110
675.120
675.130
675.140
Instrumentation
Frequency of Screening
Identification Audiometry
Referral Criteria
Referral

SUBPART C: GENERAL STANDARDS FOR TRAINING AND QUALIFICATIONS
OF FOR PERSONNEL TO PROVIDE HEARING SCREENING
SERVICES

Section

675.200
675.210
675.220
675.230
675.240
675.250
Hearing Screening Personnel
Application for Training and Certification
Training for Hearing Screening Technicians
Certification of Hearing Screening Technicians
Recertification of Hearing Screening Technicians
Lapsed Certificates

SUBPART D: FEE STRUCTURE

Section

675.300
Fees

AUTHORITY: Authorized by and implementing the Child Vision and Hearing Test Act (410 ILCS 205).

SOURCE: Adopted and codified at 6 Ill. Reg. 10998, effective August 30, 1987; amended at 23 Ill. Reg. 4270, effective March 26, 1999; amended at 23 Ill. Reg. 4958, effective MAR 20 2000.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS AUTHORITY--APPLICABILITY--AND
DEFINITIONS

Section 675.10 Applicability

- a) The Child Vision and Hearing Test Act authorizes the Department to administer a program of hearing screening services for Illinois children. Hearing screening services must be administered to all children by certified hearing screening technicians or licensed audiologists using the criteria established under the Act. This Part applies requires hearing screening services be administered to all children. These rules apply to hearing screening services required under the that Act.
- b) The Department shall delegate responsibility to other State agencies, local health departments, school districts, or other community agencies, to develop and maintain periodic vision and hearing screening services. The Department shall make these such delegations in conformance with existing services and with the agreement approval of the entity receiving the delegation.

(Source: Amended at 23 Ill. Reg. 4956, effective MAR 20 2000)

Section 675.20 Definitions

As used in this Part these rules, the terms defined in this section shall have the meanings ascribed to them herein:

"Act" means the Child Vision and Hearing Test Act [410 ILCS 205].

"Audiological Review" means a review of hearing screening results by an audiologist.

"Audiologist" means any person licensed to provide audiology services as provided in the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

"Calibration Check" means a listening and visual observation and an electro-acoustic evaluation of the audiometer to include frequency count, attenuator linearity, and earphone sound pressure level output.

"Certified Hearing Screening Technician" means a person who has successfully completed the requirements of the training, written examination and practicum evaluation provided through the Department and who holds a valid Hearing Screening Technician Certificate issued by the Department.

"Department" means the Illinois Department of Public Health.

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"Educational Screening" means a review of the student's current grade placement; classroom functioning level; achievement scores; teachers' ratings of classroom performance regarding attention and concentration, reading, arithmetic, spelling, oral language and written language skills; and teachers' descriptions of oral and written language performance, ability to hear in the classroom, and speech development.

"Hearing Screening Services" means on-going programs of: community education regarding the identification, prevention, cause, nature and effects of hearing impairments, program planning, management, evaluation, reporting, identification of identification audiometry, referral, and follow-up and--referral procedures.

"Physician" means any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 601.

(Source: Amended at 23 Ill. Reg. 4956 effective MAR 20 2000).

Section 675.30 Incorporated Materials

a) The following document is incorporated in this Part:

ANSI 3.6, 1996 (ASA811)
Specifications for Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
ASA Standards Distribution Center
1950 Bluegrass Lakes Parkway
Alpharetta GA 30219-6996

b) This incorporation by reference refers to the materials on the date specified.

c) Copies of the incorporated document are available for inspection and duplication by the public at the Department's Central Office, Office of Health and Wellness, Division of Health Assessment and Screening, 535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Added at 23 Ill. Reg. 4956 effective MAR 20 2000).

SUPPART B: STANDARDS, PROCEDURES, TECHNIQUES
AND CRITERIA FOR HEARING SCREENING

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Section 675.110 Instrumentation

a) Pure-tone audiometers utilized for identification audiometry must comply with minimum specifications established by the American National Standards Institute as published in the American National Standard Specifications for Audiometers. (ANSI 3.6 1996) ~~(ANSI--53-6-1969)~~

b) Pure-tone audiometers utilized for identification audiometry must undergo an electro-acoustic coupler calibration check a minimum of once per calendar year. The electro-acoustic calibration check shall include the following measurements:

- 1) frequency count;
 - 2) attenuator linearity; and
 - 3) earphone sound pressure level output.
- c) Annual this calibration check services can be acquired from ~~service-is to-be-supervised-and-provided either through programs developed by the Department (for a \$10 fee) or other qualified entity (a dealer or manufacturer who has technical knowledge and experience in repair and maintenance of audiometric equipment). Any audiometer that does not meet ANSI 3.6 (1996) and/or does not pass the listening or visual check is required to be calibrated and/or repaired by a dealer or manufacturer who has technical knowledge and experience in repair and maintenance of audiometric equipment. ~~7--as--provided--for--in-the Department's Audiometer Calibration Standards-which are on-file--with the Secretary-of-State-~~~~

(Source: Amended MAR 20 2000 at 23 Ill. Reg. 4956, effective MAR 20 2000).

Section 675.110 Frequency of Screening

a) Hearing screening services shall be provided annually for all preschool children three years of age or older in any public or private educational program or licensed child care facility.

b) Hearing screening services in--public--independent--private--and parochial--schools shall be provided annually for all school age children who are in grades K (kindergarten), 1, 2, and 3; are in any special education class; have been referred by a teacher; or are transfer students ~~7-and--after--grade-3--for--teacher--referrals--and students--transferring--into--schools--who--have--not--been--previously screened.~~ These screening services shall be provided in all public, private, and parochial schools. Hearing screening is recommended in grades 4, 6, 8, 10, and 12.

c) In lieu of the screening services required in subsections paragraphs (a) and (b) of this Section, ~~section~~ a completed and signed report form, indicating that the child has had an ~~a--professional ear examination by a physician and an audiological evaluation completed by an audiologist within the previous~~ licensed-to-practice-medicine-in

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- ~~all-of-its-branches-has-been-administered-not-over 12 months previously~~ is acceptable.
- d) In cases of known hearing loss, an audiological evaluation completed by an audiologist within the previous 12 months may be accepted instead of threshold monitoring services.
- e) Hearing screening services in public, independent private and parochial schools shall be provided annually for all special education children screened using screening methods contained in Section 675.120 of this Part these rules.
- f) The parent or legal guardian of a student may object to hearing screening tests for their children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority. General philosophical or moral reluctance to allow hearing screening will not provide a sufficient basis for an exception to statutory requirements.

(Source: Amended at 23 Ill. Reg. 4956 effective MAR 20 2001)

Section 675.140 Referral

- a) Medical examination evaluation must be immediately recommended in written form to the parents or guardians of all children who meet the referral criteria specified in Section 675.130 as a result of threshold screening testing. The names of these children shall be reported referral criteria is set forth in Section 675.130 of these rules. These same children must be made known to the local education agency (LEA), or its designee, for educational screening, including audiological review.
- b) The screening agent or its designee shall initiate recommendations for medical examination evaluation, educational screening, and further audiological evaluation and shall coordinate those activities necessary to complete medical management of the child suspected of a hearing impairment.

(Source: Amended at 23 Ill. Reg. 4956 effective MAR 20 2001)

SUBPART C: GENERAL STANDARDS FOR TRAINING AND QUALIFICATIONS
OF FOR PERSONNEL TO PROVIDE HEARING SCREENING SERVICES

Section 675.200 Hearing Screening Personnel

Hearing screening services shall be provided by a hearing screening technician trained and certified by the Department. Any person with a high school education or its equivalent who is working in or supervising or has an agreement to work in or supervise a school hearing screening program may apply

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for training. A certificate will be presented following successful completion of the course. This certificate is valid for a three-year period, and can be renewed each three years by attending a recertification workshop. A valid certificate in hearing as defined by the Department is contingent on the following:

- a) Any person with a high school education or its equivalent who is working in or supervising or has a definite commitment to work in or supervise a hearing screening program may apply for training. The screening program must be for identification of hearing problems in preschool and school-age children.
- b) Full attendance at the hearing course is mandatory.
- c) Successful completion of a written examination at the conclusion of the lecture series. A score of 75 percent or greater must be obtained, or the trainee will be failed.
- d) Demonstration of proficiency at a hearing practicum. This phase includes the ability to instruct and test children; the ability to recognize screening failures and referrals; and the ability to successfully organize and maintain the hearing screening program. Failure to successfully demonstrate proficiency at the practicum portion of the workshop will result in the trainee being categorized into one of the following groups:
 - 1) Pass with further supervision. This category will allow the trainee to pass the course after demonstration of proficiency through an additional supervisory visit by the regional hearing consultant of the Department.
 - 2) Failure to demonstrate proficiency. The category indicates the trainee did not meet expectations and will not be certified to perform hearing testing.
- e) Curriculum
 - 1) The training course involves intensive instruction and practice time. The curriculum shall include but is not limited to the following:
 - 1) Hearing impairment and the philosophy of hearing conservation.
 - 2) Basic anatomy and physiology of the hearing mechanism.
 - 3) Disorders of hearing.
 - 4) Introduction to hearing testing and test equipment.
 - 5) The hearing threshold and the audiogram.
 - 6) Hearing screening practicum.

(Source: Amended at 23 Ill. Reg. 4956 effective MAR 20 2001)

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- 1) Heading of the Part: Public Information, Rulemaking, and Organization Code

2) Code Citation: 2 Ill. Adm. Code 1125

3) Section Numbers: Adopted Action:

1125.340 Amendment

1125.350 Amendment

1125.355 Amendment

1125.360 Amendment

- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 2 of the Department of Public Health Act [20 ILCS 2305/2].

5) Effective Date of Amendments: March 20, 2000

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Incorporations by Reference? No

8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

11) Difference Between Proposal and Final Version: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: Technical changes

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- 16) Information and Questions Regarding these Adopted Rules shall be directed to:

Paul D. Thompson, Staff Attorney
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
rules@dnph.state.il.us.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XVIII: DEPARTMENT OF PUBLIC HEALTH

PART 1125

PUBLIC INFORMATION, RULEMAKING, AND ORGANIZATION CODE

SUBPART A: PUBLIC INFORMATION

Section
1125.10

Text of Rules

SUBPART B: RULEMAKING

Section
1125.110

Authority - Applicability of Rules

1125.120

Right of Petition

1125.130

Filing of Petition

1125.140

Submission of Petitions

1125.150

Consideration and Disposition of Petitions

1125.160

Responsibility

1125.170

Schedule for Rulemaking

1125.180

Public Comment-Hearings

1125.190

Boards and Commissions

1125.200

Administrative Rules of the Department

SUBPART C: ORGANIZATION

Section

1125.300

Organizational Overview

1125.310

Office of Health and Wellness

1125.320

Office of Health Care Regulation

1125.330

Office of Health Protection

1125.335

Illinois Building Commission

1125.340

Office of Epidemiology and Health Systems Development

1125.350

Office of Finance and Administration

1125.355

Office of Women's Health

1125.360

Office Locations

APPENDIX A Petition Before the Illinois Department of Public Health

Requesting the Promulgation, Amendment, or Repeal of a Rule

Current Organizational Chart

APPENDIX B Regions of the Illinois Department of Public Health

APPENDIX C

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure

Act [5 ILCS 100/5-15] and Section 2 of the Department of Public Health Act [20

ILCS 2305/2].

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SOURCE: Adopted at 2 Ill. Reg. 41, p. 71, effective October 14, 1978; codified at 8 Ill. Reg. 15934; amended at 10 Ill. Reg. 15232, effective September 8, 1986; amended at 13 Ill. Reg. 20065, effective December 7, 1989; amended at 24 Ill. Reg. 86, effective December 15, 1999; amended at 24 Ill. Reg. 2709, effective February 15, 2000; amended at 24 Ill. Reg. ~~4964~~ effective March 20, 2000.

SUBPART C: ORGANIZATION

Section 1125.320 Office of Health Care Regulation

a) The Office of Health Care Regulation is composed of the Division of Administration and Technical Support, Bureau of Long-Term Care, Bureau of Hospitals and Ambulatory Services, Division of Emergency Medical Services and Highway Safety, and the Division of Administrative Rules and Procedures. The Bureau of Hospitals and Ambulatory Services is composed of the Division of Health Care Facilities and Programs and the Central Complaint Registry. The Bureau of Long-Term Care is composed of the Division of Long-Term Care, Division of Long-Term Care Field Operations, the Training Section. Each of these Divisions is responsible for administering a variety of regulatory public health programs that are directed towards ensuring quality care in health care facilities and health care delivery organizations.

b) The following regulatory, preventive, and enforcement activities are administered by Divisions within the Office of Health Care Regulation:

- 1) Conduct inspections, including complaint investigations, for State licensure and Medicare and Medicaid certification for long-term care facilities to ensure that services, staffing, and physical plant standards are met.
- 2) Conduct inspections, including complaint investigations, for State licensure and Medicare and Medicaid certification for hospitals to ensure that services, staffing, and physical plant standards are met.
- 3) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for home health agencies to ensure that services and staffing standards are met.
- 4) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for ambulatory surgical treatment centers (ASTC) to ensure that services, staffing, and physical plant standards are met.
- 5) Conduct inspections, including complaint investigations, for Medicare certification for physical therapists in independent practice, outpatient physical therapy programs, outpatient speech pathology programs, portable x-ray providers, and rural health clinics to ensure that services and staffing standards are met.
- 6) Conduct inspections, including complaint investigations, for Medicare certification for end stage renal dialysis centers

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- (ESRD) to ensure that services, staffing, and physical plant standards are met.
- 7) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for hospice programs and hospice residences to ensure that services, staffing, and physical plant standards are met.
 - 8) Regulate health maintenance organizations.
 - 9) To ensure services, staffing, and physical plant standards are met, conduct inspections, including complaint investigations, for State licensure under the Alternative Health Care Delivery Act (210 ILCS 2) for the following authorized models: subacute care hospital, demonstration programs, postsurgical recovery care center, demonstration programs, community-based residential rehabilitation center, demonstration programs, and children's respite care center demonstration programs.
 - 10) Conduct inspections, including complaint investigations, for State licensure for community living facilities and supportive residences to ensure that services, staffing, and physical plant standards are met.
 - 11) Conduct inspections, including complaint investigations, for certification of clinical laboratories, blood banks, and tissue and sperm banks to ensure that services, staffing, and physical plant standards are met.
 - 12) Review and approve construction plans for health care facilities to ensure that physical plant standards are met.
 - 13) Serve as the agent of the Health Care Financing Administration, Department of Health and Human Services, to determine compliance with Federal Conditions of Participation under the Medicare program and as the agent of the Department of Public Aid to determine compliance under the Medicaid program.
 - 14) Approve training programs and regulate the training of certified nursing assistants.
 - 15) Maintain and report the status of individuals on the Nurse Aide Registry.
 - 16) Administer the Health Care Worker Background Check Act (225 ILCS 46) for health care facilities licensed by the Department.
 - 17) Inspect and license ambulance providers and Specialized Emergency Medical Services Vehicle Programs.
 - 18) License Emergency Medical Technicians (EMT).
 - 19) Register First Responders and Emergency Medical Dispatchers.
 - 20) Recognize Poison Control Centers.
 - 21) Administer the rural ambulance grant.
 - 22) Inspect and designate trauma centers.
 - 23) Establish Emergency Medical Services (EMS) Regions, approve EMS regional plans, and approve EMS Systems.
 - 24) Conduct inspections, including complaint investigations, for State licensure of freestanding emergency centers to ensure that services, staffing, and physical plant standards are met.

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- 25) Approve EMS Lead Instructors, Pre-hospital Registered Nurses, and Emergency Communications Registered Nurses.
 - 26) Provide certification of Trauma Nurse Specialists and designation of Trauma Nurse Specialist training sites.
 - 27) Provide restaurants with posters that demonstrate choke-saving procedures.
 - 28) Maintain a 24-hour-a-day hotline to receive complaints about licensed or certified health care facilities.
 - 29) Collect and disseminate data related to trauma, head and spinal cord injuries, and violent injuries.
 - 30) Establish licensing standards for the programs and facilities listed in subsection (b)(1) through (29).
 - 31) Maintain a pre-hospital prehospital computerized reporting system.
 - 32) Administer a comprehensive pediatric emergency care system.
 - 33) Address issues related to State medical disasters and emergency preparedness and responses to biochemical threats and weapons of mass destruction.
- c) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.
- (Source: Amended at 24 Ill. Reg. 49 6 4, effective March 20, 2000)

Section 1125.330 Office of Health Protection

- a) The Office of Health Protection is composed of the following:

- 1) Division of Environmental Health.
- 2) Division of Laboratories.
- 3) Division of Food, Drugs and Dairies.
- 4) Division of Infectious Diseases.
- 5) Emergency Response.
- 6) Plumbing Program.
- 7) Local Health Protection Grant Program.
- 8) Illinois Building Commission (see Section 1125.335 for program activities of the Illinois Building Commission).

- b) The following activities are administered by the Division of Environmental Health:

- 1) Licensure of occupations involved in performing lead inspections, risk assessment, contracting, supervision, and abatement and mitigation in dwellings and child care facilities; approval of lead training course providers who offer training to individuals seeking licensure; and investigation of dwellings and child care facilities to identify and eliminate environmental lead hazards that are sources of lead poisoning.
- 2) Review and approval of building plans for manufactured housing; and inspection of manufactured housing units at the factory and at final locations.
- 3) Review and approval of manufactured home tie-down equipment; and

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- inspection of tie-down installations.
- 4) Inspection and regulation of non-community public water supply systems.
 - 5) Inspection, bacteriological and chemical analyses, and technical assistance to citizens regarding their private water supplies; licensure of water well drillers and water well pump installation contractors; permitting, inspection and sampling of new water wells to ensure proper construction; and provision of grants and training to local health departments to conduct the program.
 - 6) Licensure of private sewage disposal system installation and pumping contractors; review of plans for the installation of systems; inspection of systems, trucks used to pump septic tanks and sites for final disposal; and consultation and training for local health departments conducting the program.
 - 7) Review of plans and specifications for public swimming pools and bathing beaches, issuance of construction permits, and inspection of public swimming pools and bathing beaches for annual licensure; and laboratory testing of pool and beach water.
 - 8) Approval of plans and issuance of permits for construction or alteration of manufactured home communities; annual inspection for proper water supply, sewage disposal, electrical systems and other health and safety requirements; and licensure of manufactured home communities.
 - 9) Inspection and licensure of migrant labor camps to ensure proper sanitation, adequate and safe water supply, and proper sewage disposal.
 - 10) Inspection and licensure of recreational areas and youth camps for compliance of water supply, sewage disposal and electrical systems, and food handling procedures and facilities; and plans and specifications for new recreation areas and youth camps are reviewed and permits to construct are issued.
 - 11) Surveying and responding to inquiries regarding chemical exposures and possible health effects to humans; investigation of health risks to populations residing around hazardous waste sites; and investigation of health-related complaints involving indoor air pollution.
 - 12) Investigation of injuries associated with consumer products and of suspected product defects.
 - 13) Licensure of structural pest control technicians and businesses; inspection of the use of pesticides in and about structures; and investigation of incidents of misuse of pesticides.
 - 14) Collection of blood samples from wild birds to determine the presence of antibodies to St. Louis encephalitis and eastern equine encephalitis, which collection allows advance warning of an encephalitis outbreak; and public information and mosquito control measures are then implemented to reduce the severity of an outbreak.
 - 15) Licensing of occupations involved in performing asbestos

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- abatement in schools and commercial and other public buildings; inspection of asbestos projects; review of asbestos management plans for schools; approval of asbestos training providers; and inspection of schools to determine compliance with State and Federal laws.
- 16) Ensuring that adequate toilets, handwashing facilities and drinking water are provided by farm operators who employ ten or more workers for more than two hours a day.
 - 17) Reduction of injury or illness to school children caused by exposure to art and craft materials that contain toxic substances, through review of these products and assurance of proper labeling.
 - 18) Short term studies of the health status of populations living around hazardous waste sites and recommendation of medical follow-up, as appropriate.
 - c) The following activities are conducted by the Division of Laboratories:
 - 1) Laboratory testing for bacteria, viruses, parasites and environmental toxins that threaten the health of individuals.
 - 2) Blood testing of every newborn infant for evidence of phenylketonuria, hypothyroidism, galactosemia, biotinidase deficiency, congenital adrenal hyperplasia and sickle cell disease/trait, and other hemoglobinopathies.
 - 3) Laboratory examination of swimming pool water as needed for public health protection.
 - 4) Certification of private environmental laboratories that conduct microbiological water testing.
 - d) The following activities are administered by the Division of Food, Drugs and Dairies:
 - 1) Inspection of food processors, manufacturers, and warehouses to ensure food is wholesome, unadulterated, and properly labeled.
 - 2) Issuance of food advisories and recalls and issuance of Certificates of Free Sale for Illinois firms who wish to export their products to foreign countries.
 - 3) Inspection of drug, cosmetic and medical device manufacturers to ensure products are wholesome, unadulterated and properly labeled.
 - 4) Compilation and maintenance of a formulary for use by physicians and dispensers of prescription drugs which formulary defines generic drugs that are therapeutically equivalent to brand name drugs.
 - 5) Conducting sanitary rating surveys to qualify Illinois produced and processed milk and dairy products for shipment in interstate commerce.
 - 6) Inspection of Grade A fluid milk and manufactured milk plants, producer dairies, bulk milk tank operators, receiving and transfer stations, milk vendors and distributors, to ensure compliance with rules and regulations.

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- 7) Certification of food service management personnel.
- 8) Training and certification of local and State food sanitation supervisory personnel in food establishment sanitation techniques; and review and evaluation of local food sanitation programs.
- 9) Inspection of retail food establishments to ensure compliance with sanitary standards.
- 10) Daily sanitation surveillance over the operation of food concessions and daily operations at the annual Illinois State Fair and DuQuoin State Fair.
- 11) Consultation and education in food service management to promote adequate sanitation.
- 12) Sampling of dairy farm and dairy plant raw and finished products and water supplies to ensure bacteriological safety.
- 13) Issuance of permits to tanning facility operators and grants to local health departments to conduct annual inspections of such facilities for sanitation, operator training, equipment maintenance, physical standards, and proper recordkeeping.
- 14) Providing grants to local health departments to assure the safe food preparation and service to underprivileged children at a special feeding program during the summer.
- e) The following activities are administered by the Division of Infectious Diseases:
 - 1) Technical guidance to local health departments on the investigation and control of infectious diseases.
 - 2) Statewide direction in tuberculosis control by providing consultation, educational programs and limited direct assistance to local authorities.
 - 3) Comprehensive sexually transmitted disease prevention and containment including the coordination of similar efforts by local health departments through surveillance, patient and partner referral counseling and testing and treatment, education, and technical consultation and assistance.
 - 4) Comprehensive vaccine-preventable-disease-control through surveillance; outbreak control; technical and general consultation to all health care providers and school administrators; education and motivation; assessment of immunization levels in specified populations; and provision of vaccines for use in public clinics.
 - 5) Statewide communicable disease control including the coordination of similar efforts by local health departments and other health care providers to promote reporting, investigation and control of the communicable diseases required by regulation to be reported; collection and evaluation of data to determine appropriate action needed to control reportable communicable diseases; and investigation of cases and outbreaks of infectious diseases in areas without local health departments.
 - 6) Funding, consultation, training and planning for the provision of

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- medical and social support services to persons living with HIV; provision of HIV-related therapeutic drugs for low income persons living with HIV; funding, training and consultation to local health departments for HIV/AIDS counseling, testing, referral and partner notification services; provision of HIV health education and risk reduction information services; and monitoring of the HIV/AIDS epidemic through case reporting requirements.
- 7) Conducting epidemiological investigations of communicable disease outbreaks involving food borne illness, natural disasters, transportation emergencies, fires and other unique health related emergencies.
 - f) Emergency Response. The Department's response and recovery activities for statewide public health emergencies are coordinated in the Office of Health Protection. Activities include development of emergency operating procedures for natural and technological disaster response and recovery activities, and representation of the Department in the State Emergency Operations Center during statewide emergency operations.
 - g) The following activities are administered by the Plumbing Program:
 - 1) Examination and licensure of all Illinois plumbers and inspection of the work of licensed plumbers.
 - 2) Identification and initiation of enforcement action against individuals conducting plumbing procedures without a license.
 - h) Local Health Protection Grant Program. This program provides funding to local health departments that agree to assure the provision of health protection programs, including food protection, potable water supply, private sewage disposal, and communicable disease control, in their jurisdictions. Participating local health departments are reviewed by the Department for compliance with grant requirements.
 - i) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.

(Source: Amended at 24 Ill. Reg. 49 6 4, effective March 20, 2000)

Section 1125.335 Illinois Building Commission

a) When used in this Part:

- "Act" means the Illinois Building Commission Act [20 ILCS 3918].
- "Commission" means the Illinois Building Commission (Section 5 of the Act).
- "State agency" has the same meaning as in Section 1-7 of the Illinois State Auditing Act [30 ILCS 5/1-7] (Section 5 of the Act).
- "State building requirements" means any law, rule, or executive

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order implemented by the State of Illinois affecting the construction of buildings in Illinois (Section 5 of the Act).

- b) An advisory commission, to be known as the Illinois Building Commission, is created. The Commission shall consist of 11 members, including: a fire official, a building official, an architect, a professional engineer, a structural engineer, a commercial contractor representative, a residential construction industry representative, a mechanical and a specialty contractor representative, a labor representative, a disability advocate, and a member of the public. The Commission shall be appointed by the Governor, with the advice and consent of the Senate (Section 10 of the Act).
- c) The fire official, architect, structural engineer, commercial contractor representative, labor representative, and member of the public shall serve initial terms of 2 years. The building official, professional engineer, residential construction industry representative, mechanical and specialty contractor representative, and disability advocate shall serve initial terms of 3 years. Each subsequent term shall be for 3 years. Members may be appointed for more than one term. A chairman of the Commission shall be elected each year by the members of the Commission. ~~Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. Reimbursement shall be consistent with the rules of the Governor's Travel Control Board. Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. Reimbursement shall be consistent with the rules of the Governor's Travel Control Board (Section 15 of the Act).~~
- d) The Commission shall create and appoint members and non-members to the following subcommittees: the planning subcommittee, the building and fire protection subcommittee, the building envelope subcommittee, the structural systems subcommittee, the building services subcommittee, and the accessibility subcommittee. There shall be at least 5 members but not more than 9 members on each subcommittee. The subcommittees shall advise the Commission on any item before the Commission that deals with the area of expertise of the subcommittee. The Commission may create any other subcommittee that it deems necessary (Section 20 of the Act).
- e) The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements (Section 25 of the Act).
- f) The Commission shall review proposed State building requirement amendments and proposed legislation for conflicting requirements to current State law or current building requirements and make

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recommendations concerning those amendments or laws to the proper authority. The Commission shall:

- 1) suggest a standard form for requesting compliance alternatives and modifications of State building requirements;
- 2) forward compliance alternatives requests to the appropriate State agency for action; and
- 3) suggest procedures and formats for appeals of State agency decisions (Section 30 of the Act).

- g) The Commission shall also suggest a long-term plan to improve administration and enforcement of State building requirements statewide. The plan shall include:
 - 1) recommendations for ways the Department of Commerce and Community Affairs could create a consolidated clearinghouse on all information concerning existing State building requirements;
 - 2) recommendations for a consistent format for State Building requirements;
 - 3) recommendations for a system or procedure for updating existing State building requirements that shall include a procedure for input from the public;
 - 4) recommendations for a system or procedure for the review, approval, and appeal of building plans; and
 - 5) recommendations for a system or procedure to enforce the State building requirements.

The Commission shall submit its suggestions for creating the consolidated clearinghouse to the Department of Commerce and Community Affairs as soon as practical after the effective date (January 1, 1998) of the Act (Section 35 of the Act).

- h) The Commission shall submit an annual report to the Governor and the General Assembly regarding:

- 1) the approval of compliance alternative requests,
 - 2) the responsibilities of the Commission,
 - 3) any progress toward coordination of the State's building requirements, and
 - 4) recommendations for legislative action by the General Assembly. The annual report shall be made available to the public. The Commission may charge a reasonable fee for reproduction of the report (Section 40 of the Act).
- i) The Department of Public Health shall assist the Commission in carrying out its functions and responsibilities by providing administrative and staff support. The Commission shall advise the Department of its budgetary and staff needs (Section 45 of the Act).
 - j) The Executive Director establishes, as directed by the Commission, the duties and organization of the Commission staff. The Commission staff functions as a single unit under the direction of the Commission. A description of the specific responsibilities and duties of each of the personnel positions of the Commission staff is maintained in the Office of the Illinois Building Commission and is available for public inspection during normal business hours at the address in subsection

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- (m). The Commission sets the agenda of its meetings and hearings by fiscal year, and the agenda is available for public inspection at the Commission's office during normal business hours. Commission hearings are open to the public. The Commission will publish its notices, proposals, and certifications of actions according to the Open Meetings Act. The Commission will accept and consider, if time permits, written comments by members of the public before Commission hearings. The Commission encourages members of the public to petition a State agency directly, in conjunction with submitting comments to the Commission, for consideration of perceived problems with existing State building requirements. The Commission may, however, consider comments or petitions consider comments or petitions that have not already been submitted to a State agency.

- 1) Interested persons or groups may submit complaints of State building requirements to Commission members or the Executive Director to the address in subsection (m). Each complaint must include:

- 1) Names and addresses of the persons or groups presenting the complaint.
- 2) Specific problems of or issues with State building requirements.
- 3) Specific reasons for Commission action.
- 4) Necessary facts and documentation to explain and support the complaint.

- m) Persons are invited to request information about the operation of the Commission or to provide comments about State building requirements to:

Executive Director (or Commission Members)
Illinois Building Commission
222 South College
Springfield, Illinois 62704.

(Source: Amended at 24 Ill. Reg. 4964, effective March 20, 2000)

Section 1125.340 Office of Epidemiology and Health Systems Development

- a) The Office of Epidemiology and Health Systems Development consists of the following Divisions: the Division of Epidemiology Studies, Division of Facilities Development, Center for Health Statistics, and Division of Health Policy.
- b) The Office of Epidemiology and Health Systems Development coordinates the Illinois Department of Public Health's activities to assess the health needs, disease occurrence, and health status of Illinois residents. The Office develops and promotes the use of sound and systematic knowledge bases in health program management, evaluation, and policy development. The Office provides leadership within the Department in translating public health data into useful information.
- c) The Office leads Department policy development and strategic planning

DEPARTMENT OF PUBLIC HEALTH

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functions with other state agencies and organizations from the private and volunteer sectors to define and address health problems. The Office provides technical assistance to the Governor, General Assembly, other Department offices, local health departments, health care providers, and the general public. To improve health status, improve public health systems, and reduce costs, the Office conducts or coordinates data collection and interpretation, policy and financial analysis, community health planning, health care facilities planning, and certificate of need review. The Office also conducts epidemiologic studies to determine the patterns of illness and disease.

- d) The Office produces the State's annual vital statistics report and publishes reports concerning special populations. As Illinois' agent for the Federal-State Cooperative for Populations Estimates, the Office produces population estimates that are used in defining health indicators and determining need for services and appropriate distribution of resources. To determine the pattern and characteristics of health behaviors, the Office conducts household surveys and provides technical assistance in interpreting data for planners and local health departments through the Behavioral Risk Factor Surveillance Survey.

- e) The Office developed and maintains the Illinois Health and Hazardous Substance Registry for making decisions on health and public health related to cancer incidence, adverse pregnancy outcomes, occupational diseases, and hazardous substances.

- f) The Office supports the Illinois Health Facilities Planning Board in administering the Illinois certificate of need program to reduce unnecessary health care services and costs, in enforcing the Health Care Worker Self-Referral Act [225 ILCS 47] to provide assistance, and in conducting planning activities related to health care facilities. For the certificate of need program, staff personnel review applications for construction of health care facilities, acquisition of major medical equipment, substantial changes in bed capacity, initiation of new services, and elimination of existing services. The Office then makes recommendations to the Health Facilities Planning Board for approval or denial of the certificate of need.

- g) The following are mandated responsibilities contained in State statutes:

- 1) The Illinois Health Facilities Planning Act [20 ILCS 3960] that created the Illinois Health Facilities Planning Board and 7 describes its functions, including certificate of need/permit reviews and facilities planning.
- 2) The Illinois Health Statistics Act [410 ILCS 520] modeled on a widely accepted state-level approach that provides for the collection of health data by the Department and provides for confidentiality of this data.
- 3) The Life Care Facilities Act [210 ILCS 40] sets forth the requirements for life care contracts that the Department must

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- approve and monitor.
- 4) The Illinois Welfare and Rehabilitation Services Planning Act [20 ILCS 10] provides that Civil Administrative Code of Illinois agencies, including the Department of Public Health, develop a Human Services Plan to be presented to the General Assembly on April 1 of every odd numbered year [99-iteg-10].
 - 5) The Experimental Organ Transplantation Procedures Act [20 ILCS 3935] created the Illinois Experimental Organ Transplantation Board for the purpose of reviewing applications and making recommendations to the Department to provide financial assistance to qualified applicants seeking an experimental organ transplant.
 - 6) The Civil Administrative Code of Illinois [20 ILCS 2310/35.72] established the Task Force on Organ Transplantation within the Department to conduct a comprehensive examination of the medical, legal, economic, and social issues presented by human organ procurement and transplantation and to make recommendations to the Governor and General Assembly.
 - 7) The Illinois Health and Hazardous Substances Registry Act [410 ILCS 525] establishes a unified statewide project to collect, compile and correlate information on public health and hazardous substances.
 - 8) The Civil Administrative Code of Illinois [20 ILCS 2310/55.31b] allows for the general supervision of the interests of the health and lives of the people of the State to require hospitals, laboratories, or other facilities in the State to report each incidence of cancer diagnosed by the hospitals, laboratories, or facilities, along with any other information the Department may require to develop a Health and Hazardous Substances Registry under the Illinois Health and Hazardous Substances Registry Act.
 - 9) The Lead Poisoning Prevention Act [410 ILCS 45] requires immediate reporting of the existence of any person found or suspected to have a level of lead in the blood in excess of the permissible limits set forth in regulations adopted by the Department. The names, addressees, laboratory results, date of birth, and other information about the person are maintained in the Adult Blood Lead Registry.
 - 10) The Developmental Disability Prevention Act [410 ILCS 250] declares that the policy of the State for the prevention of perinatal mortality and conditions leading to developmental disabilities and other handicapping disabilities is a high priority for attention. The Adverse Pregnancy Outcome Reporting System maintains information regarding perinatal mortality and risk conditions.
 - 11) The Vital Records Act [410 ILCS 535] charges the Department with the responsibility of collecting and preserving records of births and deaths of Illinois residents and of preparing and publishing reports of vital statistics from these records.
 - 12) The Alternative Health Care Delivery Act [210 ILCS 3] establishes

DEPARTMENT OF PUBLIC HEALTH

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- procedures for investigating alternative methods of delivering health care services to the community.
- 13) The Health Care Worker Self-Referral Act [225 ILCS 47] gives the Illinois Health Facilities Planning Board the authority to determine if certain investments by one or more health care workers constitutes a conflict of interest.
 - 14) The Civil Administrative Code of Illinois [20 ILCS 2310/55.26] authorizes the Department to conduct statewide inventories for existing hospitals, health service facilities, and other facilities.
 - 15) The Counties Code [55 ILCS 5/Art. 5, Div. 25] establishes the Illinois Project for Local Assessment of Need (IPLAN) compliance requirements for the local health departments.
 - h) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.

(Source: Amended at 24 Ill. Reg. 49 6 4 effective March 20, 2000)

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Inspection Procedures for Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 441
- 3) Section Numbers: Emergency Action:
441.40 Amendment
441.41 APPENDIX J Amendment
- 4) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]
- 5) Effective Date of Emergency Amendments: March 10, 2000
- 6) If this emergency Amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: These emergency amendments will not expire prior to the end of the 150-day period.
- 7) Date Filed with the Index Department: March 10, 2000
- 8) A copy of the Emergency Amendments, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and the Office of Chief Counsel and is available for public inspection.

9) Reason for Emergency: It has come to the Department's attention, by industry request, that the Department's standards governing the size and shape of sun visors required to be installed and inspected on Type I school buses (buses with a gross vehicle weight rating (GVWR) of more than 10,000 pounds), call for a visor that is too large and, therefore, unsafe for some Type I school buses. While many buses covered by this Part are the standard, large-sized school buses, some covered by this Part are smaller in size. The smaller buses are commonly called "Type I-A school buses." The Type I-A school bus is one that is a conversion or that has a body that is constructed upon a van-type or cut away front-section vehicle with a left side driver's door, designed for carrying more than 10 passengers, and that has a GVWR of more than 10,000 pounds. Industry has informed the Department that the driver's area on the Type I-A school bus is not large enough to accommodate the sun visor currently required to be inspected in accordance with Section 441.41 Appendix J of this Part.

This Part prescribes the requirements for the inspection of Type I school buses. Section 441.41 Appendix J(c) of this Part prescribes a dimension of not less than 6 inches by 30 inches for a sun visor on a Type I school bus. The driver's area on a Type I-A school bus, however, is not large enough to accommodate a visor of that size. In addition, if the sun visor were in the down position, the school bus driver may in the event of a collision suffer serious bodily injury from it.

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School buses without the visor specified in this part will not receive a Certificate of Safety when they are inspected at Illinois Official Testing Stations. Those safety tests are performed every six months or 10,000 miles, whichever occurs first, in accordance with Section 13-109 of the Illinois Vehicle Code [625 ILCS 5/13-109]. It is unlawful for any bus to be operational without its Certificate. Any owner/operator operating a school bus with its Certificate without a visor in compliance with this Part is unlawfully operating a school bus.

The Department believes that this emergency rulemaking is necessary to ensure that Type I-A school buses are allowed to remain operational with the smaller, safer sun visor.

- 10) A Complete Description of the Subjects and Issues Involved: The Department is defining a Type I-A school bus in Section 441.40 in order to provide relief from the sun visor dimension standards required in Section 441.41 Appendix J(c). Section 441.41 Appendix J(c) is amended to provide an exception for a sun visor installed in a Type I-A school bus.

- 11) Are there any Proposed Amendments to the Part pending? Yes. The proposed amendments are identical to the emergency amendments and can be found elsewhere in this issue of the Illinois Register.

- 12) Statement of Statewide Policy Objectives: This rulemaking will affect units of local government that own or operate school buses.

- 13) Information and Questions regarding these amendments shall be directed to:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation

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2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
(217)782-3215

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 441

INSPECTION PROCEDURES FOR TYPE I SCHOOL BUSES

Section

441.10 Purpose and Scope

441.20 Application

441.25 Incorporation by Reference of Federal Regulations

441.30 Standards of Construction

441.40 Definitions

EMERGENCY

APPENDIX A

Air Cleaner through Barrier, Guard

Battery or Batteries through Bumper, Front

Bumper, Rear through Drive Shaft Guard

Electrical System through Fenders

Filter, Oil through Frame and Body

Fuel Storage and Delivery System through Horn

Instruments and Instrument Panel through Locked Compartment

Mirrors through Rub Rails

Seat Belt, Driver's through Steps, Entrance

Stop Signal Arm Panel through Trash Container (optional)

EMERGENCY

Undercoating through Windshield Wipers

APPENDIX K

ILLUSTRATION A

Stop Arm Panels

ILLUSTRATION B

Exhaust Guidelines

ILLUSTRATION C

Brake Inspection Report

ILLUSTRATION D

Propane Decal

ILLUSTRATION E

Driver's Pre-Trip Inspection Requirements and Sample Form

(Repealed)

ILLUSTRATION F

School Bus Emergency Exits

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle
Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle
Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 4523, effective March 13, 1995; amended at 22
Ill. Reg. 11889, effective June 29, 1998; emergency amendment at 24 Ill. Reg.
11889, effective March 10, 1999, for a maximum of 150 days.

Section 441.40 Definitions

EMERGENCY

"Body" - Portion of vehicle that encloses the occupant and cargo
spaces and separates those spaces from the chassis frame, engine

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compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Section 1-107 of the Illinois Vehicle Code (the Code)) [625 ILCS 5/1-107]

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-10.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Gross Vehicle Weight Rating or GVWR" - The value specified by the manufacturer as the loaded weight of the school bus. (Section 12-800 of the Illinois Vehicle Equipment Law)

"Illinois Vehicle Equipment Law" - 625 ILCS 5/12-100 through 12-902

"Interstate School Bus" - Any school bus not owned by a school district designed to transport 16 or more persons, including the driver, that is used for interstate charter purposes (i.e., travels to another state). The bus must be marked with a federal Interstate Commerce Commission (ICC) number. Interstate school buses require an annual inspection that meets 49 CFR 396 - Appendix G as well as the semi-annual or 10,000 mile inspection required by 625 ILCS 5/13-101.

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"Manufacturer" - (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label.

"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

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A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code)

"Seating Reference Point" - the unique design H-point, as defined in SAE J1100, which simulates the position of the pivot center of the human torso and thigh. Each school bus manufacturer utilizes different criteria to determine the specific seating reference point on passenger seats for vehicles they manufacture.

"Type I-A School Bus" means a term commonly used by school bus manufacturers to classify a school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds.

"Vehicle" -

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4980 effective March 10, 2000, for a maximum of 150 days)

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Section 441.APPENDIX J Stop Signal Arm Panel through Trash Container
(optional)
EMERGENCY

a) STOP SIGNAL ARM
PANEL

PROCEDURES/SPECIFICATIONS:

A stop signal arm panel must be installed on the left side of the bus and may be operated either manually or mechanically. Decals may be used in lieu of painting.

Buses manufactured on or after September 1, 1992 must be equipped with an octagon-shaped senaphore which meet the requirements listed below under "Octagon."

Buses manufactured prior to September 1, 1992 may either be equipped with an octagon-shaped senaphore which meets the requirements listed below under "Octagon" or a hexagon shaped senaphore which meets the requirements listed below under "Hexagon."

Octagon - The arm shall be an octagon-shaped senaphore which measures at least 450 mm x 450 mm (17.72 inches x 17.72 inches) in diameter. The arm shall be red on both sides with a white border at least 12 mm (.47 inches) wide on both sides. The arm shall have the word "STOP" displayed in white uppercase letters on both sides. The letters shall be at least 150 mm (5.9 inches) in height and have a stroke width of at least 20 mm (.79 inches).

The octagon-shaped stop signal arm shall comply with either (a)(1) or (2) below:

- 1) The entire surface of both sides of the arm can be reflectorized to meet 49 CFR 571.131; or
- 2) Each side of the arm shall have at least two red lamps centered on the vertical centerline of the stop arm. One lamp shall be located at the extreme top of the arm and the other at its extreme bottom.

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The lamps shall light and flash alternately when stop arm is extended and likewise turn off and stop flashing when arm is closed. (49 CFR 571.131) (See Section 441.111 Illustration A for examples.)

Hexagon - The arm shall be a hexagon shaped semaphores approximately 18 inches wide and 18 inches long and of 16 gauge metal. The stop arm signal shall have the "STOP" painted on both sides in white letters at least six inches high with a brush stroke approximately 7/8 inch wide. The word "STOP" shall be painted on a panel with red background of approximately 8 inches by 16 inches. Remaining area of stop arm blade is to be painted white with a band of white border at least 1/2 inch wide painted from and rear on both sides as contrast. White portion of stop arm signal shall be reflectorized or shall have double-faced lamps with red lens approximately four inches in diameter located in the top and bottommost position of the blade. These lamps shall light and flash alternately when stop arm is extended and likewise turn off and stop flashing when arm is closed. (Section 12-803 of the Illinois Vehicle Equipment Law) (See Section 441.111 Illustration A for examples.)

Optional: Stroke lamps are acceptable on stop signal arm panels.

Optional: Additional stop signal arm panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop signal arm panel requirements except as follows. The additional panel must not contain any lights, marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

REJECT VEHICLE IF:

Stop signal arm panel is in poor condition (i.e.,

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faded, peeling, or rusted); lights do not operate properly (if installed); is not securely attached; is not operating properly; does not meet requirements; is missing.

b) STORAGE
COMPARTMENT
(optional)

PROCEDURES/SPECIFICATIONS:

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.

REJECT VEHICLE IF:

If installed, does not meet requirements.

c) SUN VISOR

PROCEDURES/SPECIFICATIONS:

Interior, adjustable, transparent, not less than 6 inches by 30 inches, installed above windshield. Must not interfere with view of interior rear view mirror.

Exemption: Buses purchased prior to August 1967 are exempt from having a transparent sun shield.

Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 441.40, the sun visor may meet manufacturer's standards.

REJECT VEHICLE IF:

Sun visor does not meet requirements.

d) SUSPENSION

1) Shocks

PROCEDURES/SPECIFICATIONS:

Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

With vehicle on a hoist or jacked up, visually inspect shock absorbers for excessive

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leakage, looseness of mounting, brackets, and bolts.

Physically grab upper and lower portion of shock inspecting for looseness in rubber bushing, mounting brackets or bolts.

REJECT VEHICLE IF:

Shocks are missing, broken, or have severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- i) Spring
- ii) Control arms
- iii) Torque arms (rear)

REJECT VEHICLE IF:

Coil is missing, disconnected, broken, loose bushings, welded or damaged.

B) Leaf

PROCEDURES/SPECIFICATIONS:

With use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension. Visually inspect:

- i) Springs
- ii) Shackles
- iii) Hangers
- iv) U-bolts
- v) Center bolts
- vi) Bushings or pivot

REJECT VEHICLE IF:

Springs are missing or broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal. Any

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leaves are cracked or missing. Any shackle, shackle pins, hangers, or "U" bolts are worn, loose, or missing.

- C) Torsion Bar (Stabilizer Bar)

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- i) Torsion bar
- ii) Mounting brackets
- iii) Control arms
- iv) Torque arms (if applicable - rear)
- v) Stabilizer bar(s) (if applicable)

REJECT VEHICLE IF:

Torsion bar is missing, disconnected, broken, loose, welded, damaged.

- e) TOW HOOKS (optional)

- 1) Front

PROCEDURES/SPECIFICATIONS:

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

PROCEDURES/SPECIFICATIONS:

Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

REJECT VEHICLE IF:

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Tow hook(s) extend beyond bumper; not securely attached.

f) TRASH CONTAINER
(optional)PROCEDURES/SPECIFICATIONS:

A trash container may be present. If present, it must be securely stored in the vehicle and must not obstruct an aisle.

REJECT VEHICLE IF:

Optional trash container does not meet requirements.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4980, effective March 10, 2000, for a maximum of 150 days)

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- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3) Section Numbers: Emergency Action:
440.220 Amendment
440.420 Amendment
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].
- 5) Effective Date of Emergency Amendments: March 10, 2000
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: These emergency amendments will not expire prior to the end of the 150-day period.
- 7) Date Filed with the Index Department: March 10, 2000
- 8) A copy of the Emergency Amendments, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and the Office of Chief Counsel and is available for public inspection.
- 9) Reason for Emergency: It has come to the Department's attention, by industry request, that the Department's standards governing the size and shape of sun visors required to be installed and inspected on Type I school buses (buses with a gross vehicle weight rating (GVWR) of more than 10,000 pounds), call for a visor that is too large and, therefore, unsafe for some Type I school buses. While many buses covered by this Part are the standard, large-sized school buses, some covered by this Part are smaller in size. The smaller buses are commonly called "Type I-A school buses." The Type I-A school bus is one that is a conversion or that has a body that is constructed upon a van-type or cut away front-section vehicle with a left side drivers door, designed for carrying more than 10 passengers, and that has a GVWR of more than 10,000 pounds. Industry has informed the Department that the driver's area on the Type I-A school bus is not large enough to accommodate the driver's area on the Type I-A school bus currently required by Section 440.420(jj) of this Part.

Manufacturers are required to certify, pursuant to Section 440.305 of this Part, that a school bus conforms to all applicable state (and Federal) standards, or, this Part. This certification must be present in the form of a label affixed to the bus. The Department's rule on safety testing for Type I school buses, found at 92 Ill. Adm. Code 441, prescribes the requirements for the inspection of Type I school buses. Section 441.Appendix J(c) of that Part prescribes a dimension of not less than 6

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inches by 30 inches for a sun visor on a Type I school bus. The driver's area on a Type I-A school bus, however, is not large enough to accommodate a visor of that size. In addition, if the sun visor were in the down position, the school bus driver may in the event of a collision suffer serious bodily injury from it.

School buses without the visor specified in the rule cannot lawfully be certified that they are in compliance with the rules, and those buses will not receive a Certificate of Safety when they are inspected at Illinois Official Testing Stations. Those safety tests are performed on school buses every six months or 10,000 miles, whichever occurs first, in accordance with Section 13-109 of the Illinois Vehicle Code [625 ILCS 5/13-109]. It is unlawful for any bus to be operational without its Certificate. Any owner/operator operating a school bus with its Certificate without a visor in compliance with this Part is unlawfully operating a school bus.

The Department believes that this emergency rulemaking is necessary to ensure that Type I-A school buses are allowed to remain operational with the smaller, safer sun visor.

10) A Complete Description of the Subjects and Issues Involved: The Department is defining a Type I-A school bus in Section 440.220 in order to provide relief from the sun visor dimension standards required in Section 440.420(jj). Section 440.420(jj) is amended to provide an exception for a sun visor installed in a Type I-A school bus.

11) Are there any Proposed Amendments to the Part pending? Yes. The proposed amendments are identical to the emergency amendments and can be found elsewhere in this issue of the Illinois Register.

12) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

13) Information and Questions regarding these amendments shall be directed to:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENTS

3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

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The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION
OF TYPE I SCHOOL BUSES

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Section
440.505 Conformance to the Requirements
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ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)

ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel

APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)
APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(k)) (Repealed)

APPENDIX C Specification Sheet Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; amended at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART C: DEFINITIONS

Section 440.220 State Definitions
EMERGENCY

The terms referred to in Section 440.210 are applicable to this Section unless any definitions are displaced either by a statutory definition in 625 ILCS 5 or by a definition found below:

"ANSI" means the American National Standards Institute (11 West 42nd Street, New York, N.Y. 10036).

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

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"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"The Code" means the Illinois Vehicle Code [625 ILCS 5].

"Driver" means *Every person who drives or is in actual physical control of a vehicle.* [625 ILCS 5/1-116]

"Empty Weight" means the "unloaded vehicle weight"; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant (49 CFR 571.3), plus 350 lbs allowance for driver and equipment.

"FMVSS" means the Rules and Standard(s) set forth in Part 571 in Title 49 of the Code of Federal Regulations (49 CFR 571) and known as "Federal Motor Vehicle Safety Standards".

"Forward Control" means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length (49 CFR 571.3)-includes mid-engine and rear-engine "pusher" buses.

"Gross Vehicle Weight Rating" or (GVWR) means the value specified by the manufacturer as the loaded weight of the school bus. [625 ILCS 5/12-800]

"Incomplete Vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed school bus for use in Illinois. (Based on 49 CFR 568.3).

"Integrate Type" bus means a completed vehicle either without separate body and chassis or with body and chassis joined into one unit.

"m", following a numeral, means either "meter" or "meters".

"mm", following a numeral, means either "millimeter" or "millimeters".

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the label required in Section 440.310.

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"Multiple Glazed Unit" means two or more sheets of safety glazing material separated by air space(s) and assembled in a common mounting (ANSI Z26.1-1996).

"Passenger" means every bus occupant who is not the driver.

"SAE" means the Society of Automotive Engineers (400 Commonwealth Drive, Warrendale, Pennsylvania 15096).

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. [625 ILCS 5/12-800]

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

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A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"SI" means "Systeme International d'Unites" (International System of Units); officially abbreviated SI in all languages; the "modernized metric system" defined in ANSI IEEE-ASTM-SI-10-1997.

The symbol "n", following a numeral, means either "inch" or "inches".

"Type-A School Bus" means a term commonly used by school bus manufacturers to classify a school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **4993**, effective March 10, 2000, for a maximum of 150 days)

SUBPART E: BODY REQUIREMENTS

Section 440.420 State Requirements
EMERGENCY

Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. [625 ILCS 5/15-102, 15-103 and 15-107] Each bus shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

- a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every

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location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.

- b) Battery. Either one battery or two or more suitably connected batteries may be installed.
 - 1) When rated in conformance with SAE Standard J537h the battery(s) shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).
 - 2) When rated in conformance with SAE Standard J537h the battery(s) shall provide a Reserve Capacity (duration of 25 ampere current at 27° C (80° F) no less than 135 minutes.AGENCY NOTE: If the purchaser needs to provide for extended cold weather bus operation immediately after malfunction or failure of the battery charging equipment he should specify battery reserve capacity, and temperature, commensurate with the temperature and duration of extended operation needed.
- c) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latches) or other fastener(s). Each electrical cable connecting the battery(s) in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.
- d) Bumper. Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.
- e) Capacity Passenger. The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver. [625 ILCS 5/12-802] Examples: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than

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330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (t)(7).

f) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.

g) Color and Paint. Exterior. *The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections (g)(1)-(6).*

1) *The rooftop may be white. A white roof may extend only to within six inches above the drip rails on the sides of the body. The front and rear roof caps shall remain national school bus glossy yellow.*

2) *Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black (Federal Standard No. 595a, glossy black enamel No. 170381).*

3) *Lettering on a stop signal arm shall be white on a red background.*

4) *The hood and upper cowl may be lusterless black (595a, 37038) or lusterless school bus yellow.*

5) *Grilles on the front, lamp trim and hubcaps may be a bright finish.*

6) *The name or emblem of a manufacturer may be colorless or any color.*

7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. [625 ICS 5/12-801] yellow retroreflective tape required by 49 CFR 517.217 can be located on the rear bumper provided the space between the top of the bumper and the bottom of the door is not adequate to accommodate the tape.*

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

h) Crossing Control Arm:

1) *Required on school buses manufactured after December 31, 1997. [625 ICS 5/12-807.2] (See P.A. 90-108, effective July 14, 1997.)*

2) *Must meet or exceed SAE J1133.*

3) *Must be capable of full operation between, and including, the temperatures -40 degrees F and 160 degrees F.*

4) *The arm, when activated, must extend a minimum of five feet from the front face of the bumper.*

5) *The arm must be mounted on the far right side (entry side) of the front bumper.*

6) *Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.*

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7) All component parts must meet or exceed any applicable Federal motor - vehicle safety standards in effect at the time of manufacture.

8) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.

9) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.

10) Red lights and/or red reflectors are prohibited.

i) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

j) Emergency Exits. All emergency exits shall conform to the applicable requirements of FVSS 217 (49 CFR 571.217).

1) Each opening for a required emergency exit must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217.

2) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:

A) is not fully latched, or

B) is locked and not readily operated manually.

3) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:

A) is not fully latched, or

B) is locked and not readily operated manually.

4) The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.

5) An alarm cut-off or "squench" control is prohibited.

6) Exception: No alarm is required for roof hatches.

k) Fire extinguisher.

AGENCY NOTE: At least one fire extinguisher must be carried in each school bus transporting pupils but the purchaser may elect to install an extinguisher that conforms to the requirements below after the bus is purchased.

The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (u) below. The fire extinguisher shall be of a type approved by the Underwriters Laboratories, Inc., with a rating not less than 10-BC. The operating

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mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

1) First-Aid Kit.

AGENCY NOTE: A first aid kit must be carried in each school bus transporting pupils but the owner may elect to install a kit that conforms to this subsection after the bus is purchased.

1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection (u)(2), it must be in view of the driver.

2) The first aid kit must include, but is not limited to, the following:

- A) 4" bandage compress - 2 packages
- B) 2" bandage compress - 2 packages
- C) 1" bandage or adhesive compress - 1 package
- D) 40" triangle bandage with two safety pins - 1
- E) Splint, wire or wood - 1

3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.

m) Floor Covering.

1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

n) Fuel System.

The fuel system shall conform to all applicable provisions of FWSS 301 (49 CFR 301).

o) Glazing Materials.

1) The following applies to glazing on Type I school buses:

A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FWSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic material(s) used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification
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markings:

AS 1 Glass;

Item 1, either laminated glass or multiple glazed unit;

Windshield

Window or door

forward of rear-

most location of

driver's seat back

All Other locations

AS 1 Glass, or
AS 2 Glass, or
AS 3 Glass.

B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FWSS 205 (49 CFR 571.205).

2) All glazing shall be installed so the identification markings are legible.

p) Heaters.

1) An interior temperature of not less than 10 degrees Celsius (50 degrees F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.

2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638, or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

q) Heater Hose Connections at Engine. Each heater hose connection to the engine shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any

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engine function whether closed, partially open, or fully open, with heater hoses installed properly.

- r) Interior.
 - 1) Thermal and acoustic material(s) shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.
 - 2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.

- s) Lamps and Signals.

- 1) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S45.1.4.(b) of FMVSS 108 (49 CFR 571.108) and 625 ILCS 5/12-805. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:

- A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- B) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.
- C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.
- D) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.

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- E) Deseure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.
- F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- I) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.
- J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.
- 2) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (s)(1), above; i.e., .0122 m(2)(19 in (2)).
- 3) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection (s)(2), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection (s)(1); i.e., .0122 m(2) (19 in (2)).
- 4) Side Turn Signals. Two yellow side turn signal lamps conforming to S85 Recommended Practice J914a, August 1973, shall be installed on each bus of more than 32 passenger seating capacity. Except as indicated below, this Recommended Practice shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (bb). The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.
- 5) Interior Lighting. At least the white nosings of the service entrance steps (see(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by lamp(s) emitting a white light. At least two interior illumination lamps shall be installed in a bus that provides 330 mm (13") of seating width for each of 33 or

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more passengers. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entrance to the aisle unless such lamp does not shine directly into the eye(s) of any such pupil.

t) Lettering.

- 1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "a", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by statutes or required or permitted by these standards shall not be affixed permanently on either the exterior of the bus or the interior glazing so as to be visible to the outside. Interior lettering shall contrast with its background.
- 2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high. These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.
- 3) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser.
- 4) Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line. (Section 12-802 of the Code) The lettering must be located on one line.
- 5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (t)(4) above, and so as not to interfere with any required letters or numerals.
- 6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus (Section 440.220), stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high.

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Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

- 7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (subsection (e) above) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high.
- 8) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.
- 9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.
- 10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.
- 11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrow(s) but must be conspicuous.
- 12) Alternate Fuel
 - A) If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The

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sign or decal shall be maintained in good legible condition.

B) *The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle.* (Section 12-704.3 of the Code)

13) For buses manufactured after December 31, 1998, the vehicle's length (rounded up to nearest whole foot) must be displayed on the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.

u) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.

1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squench control", or other alarm defeating mechanism shall be installed.

2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

v) Metal Treatment.

1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained areas or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.

2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

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w) Mirrors.

1) all mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).

2) More convex mirrors than required above may be installed, if specified by the purchaser.

3) The reflecting surface on the back of each mirror shall be protected from abrasion, scratching, and atmospheric corrosion. Mounting of Body. This subsection does not apply to an integral type bus.

1) After the date of manufacture of the incomplete vehicle the chassis frame shall not be altered so as to extend the wheelbase. Other extension(s) of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extension(s).

2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.

3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.

y) Radio Noise. For buses manufactured after December 31, 1998, radio/stereo speakers must be located at least four feet behind the rear-most position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

z) Rack, Book. Not permissible.

aa) Reflectors.

1) Front

A) Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SHE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).

B) A sheet type (tape) reflex reflector which conforms to FMVSS

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108 (49 CFR 571.108 (§5.7.1.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

- 2) Left Side

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.
- 3) Right Side

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.
- 4) Rear

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.
- bb) Rub Rails.
 - 1) Rub rails of longitudinally corrugated or ribbed steel at least 100 mm (3.9") wide shall be fixed on the exterior of the bus.
 - 2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
 - 3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (bb)(2), above, except:
 - A) This rub rail need not extend across a wheel housing, and
 - B) This rub rail may terminate at the radii of the right and left rear corners of the body.
 - 4) Each rub rail required above shall be fastened to the bus body so as to attain at least 60 percent of the tensile strength of the weakest joined material, when strained in a direction parallel to the length of the rub rail.
 - 5) Each joint in a rub rail required above shall be constructed so as to attain at least 60 percent of the tensile strength of a jointless length of rub rail, when strained in a direction parallel to the length of the rub rail.
 - 6) More than two rub rails may be installed on a side and/or the rear of a bus.
- cc) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).
 - 1) Seat, Driver's. The driver's seat shall be rigidly positioned,

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and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").

- 2) Seats, Students'.
 - A) Each seat (except as provided in subsection (cc)(4)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.
 - B) Each seat shall be forward facing (except as provided in subsection (cc)(4)).
 - C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:
 - i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
 - ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
 - iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.
 - iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
 - v) No portion of the door latch mechanism can be obstructed by a seat.
 - vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.
 - D) For buses manufactured on or after January 1, 1999, optional seat safety belts must be installed, according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.
- 3) Barriers, Students'. The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat installed behind that barrier.
- 4) In the case of a seat to be occupied by a student with special needs, the seat back, forward facing, and barrier requirements of subsections (cc)(2) and (3) shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher

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installed to accommodate child who is not capable of sitting in a upright position) (see 92 Ill. Adm. Code 444).

dd) Seatbelt(s), Driver's.

1) Each driver's seatbelt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. Any retractor(s) installed shall be of the automatic locking type.

2) Buses manufactured after December 31, 1998 must be equipped with a lap belt/shoulder harness design for the driver.

ee) Service Entrance and Door.

1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus.

3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush finger(s). The vertical closing edge(s) of a service door shall be padded to lessen chance of injury.

5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.

6) A single-section service door shall be hinged at the front of the service entrance.

7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door.

8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

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A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or

B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squench control," or other alarm defeating or attenuating device shall be installed; or

C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

ff) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.

gg) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes.

hh) Stop Signal Arm Panel.

1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. The panel may be operated either manually or mechanically. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.

2) "Operated ... mechanically" shall be interpreted to include power operation. Also, "16-gauge metal" shall be interpreted to include thicker metal and any nonmetallic material equivalent or superior to hot rolled 16-gauge mild steel in stiffness, corrosion resistance, and durability.

3) Section 440.111, Illustration B depicts the octagon shaped semaphore required in subsection (bb)(1).

4) When demonstrating conformance with signal operating requirements by performing the sequence of operations specified under subsection (s)(1), the driver, or operator, may employ any independent or manual operation or disconnection of the stop signal arm panel that is provided for convenient use by the seated driver without using any type of tool and without removing any unattached part.

5) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any lights, marking or reflective material on the front side of the panel.

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The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

ii) Storage Compartment(s) (Optional).

- 1) If installed, the storage compartment(s) shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartment(s) shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartment(s) or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.
- 2) If a relatively small storage compartment is located inside the passenger compartment, seat cushion(s) alone may not serve as the cover for the compartment.

jj) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the sun visor may meet manufacturer's standards.

kk) Tow Hook. Rear (Optional). Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

- ll) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

mm) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlet(s) shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

nn) Warning Devices. Either three red cloth flags not less than 12 inches square and three red reflectors a minimum of three inches in diameter or three bi-directional emergency triangles that conform to 49 CFR 571.125. (Section 12-702 of the Code) The kit must be securely

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stored.

AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased.

- oo) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.

pp) Wheel Housings.

- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.
- 2) Each rear wheel housing shall provide the clearance recommended in SBE Information Report J683a, August 1985, for installation and use of tire chains on the dual or single tires installed on the rear wheels.

qq) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or increasing the cost of the body structure. Such view shall be as low as allowed by the back(s) of the rear seat(s) except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.

rr) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and are optional for a window installed either beside a rear passenger seat, or in a side emergency exit.

- 1) By sliding downwards each side window not excluded above shall provide an opening (for emergency egress) at least 560 mm (22") wide (fore & aft) and at least 230 mm (9") high. However, with the window in its lowest position the opening shall be at least 460 mm (18.1") above the seating surface of any passenger seat. Any latch located in the side window opening shall be recessed. Each such opening shall be free of exterior or interior window guards(s) or bar(s). Split-sash windows may be installed. Each exposed edge of glass shall be banded.

2) A horizontal "Stop Line" shall be affixed permanently across the stationary structure between each of the windows that can be opened by sliding downwards. The bottom of the line shall be between 150 mm and 155 mm (5.9" and 6.1") below the top of the window opening. The line shall contrast with the color of the stationary structure and be at least 5 mm (.2") wide.

ss) Windshield.

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- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.
- 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100, July 1969.

tt) Wiring. The following applies to wiring in Type I school buses:

- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J556, J555a, and J541a and in other practices or standards referenced therein, unless preempted by FMVSS.

2) Circuits.

- A) Wiring shall be arranged in at least nine regular circuits as follows:

- i) Head, tail, stop (brake), and instrument panel lamps;
- ii) Clearance lamps and any lamps in or adjacent to step risers;
- iii) Interior lamps;
- iv) Starter motor;
- v) Ignition, emergency exit alarm signal(s), and other alarm signal(s);
- vi) Turn signal lamps;
- vii) Alternately flashing signal lamps and stop signal arm lamps;
- viii) Horn;
- ix) Heater and defroster.

- B) Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.

- 3) Each body circuit shall be coded either by numeral(s) and/or letter(s) at approximately 100 mm (3.9") intervals, or by color and numeral(s) and/or letter(s), or by color(s) only. The code(s) shall appear on a diagram of the circuits in a readily accessible location.

- 4) A separate fuse or circuit breaker shall be provided for at least each circuit required under subsection (tt)(2)(A), except that components of the engine starter and ignition circuits may be protected by other means.

- 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").

- 6) All terminals and splice clips shall be accessible.

- 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical

current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 499.3, effective March 10, 2000, for a maximum of 150 days)

CAPITAL DEVELOPMENT BOARD

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- a) Part(s) (Heading and Code Citation): Prequalification and Bidder Responsibility 44 Ill. Adm. Code 950

1) Rulemaking: Proposed Amendments

- A) Description: To make technical and clarifying changes.
- B) Statutory Authority: Implementing and authorized by Sections 9-06 and 16 of the Capital Development Board Act [20 ILCS 105] and authorized by Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Summer 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: No significant affect beyond the current rule.
- F) Agency contact person for information:
 Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield, IL 62706
 217/782-0700

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Selection of Architects/Engineers (A/E) 44 Ill. Adm. Code 1000

1) Rulemaking: Proposed Amendments

- A) Description: To make technical and clarifying changes.
- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Section 30-20 of the Illinois Procurement Code [30 ILCS 500/20-30] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Summer 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: No significant affect beyond that which is

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JANUARY 2000 REGULATORY AGENDA

in the current rule.

- F) Agency contact person for information:
 Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield, IL 62706
 217/782-0700

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Standards for Award of Grants, 71 Ill. Adm. Code 40

1) Rulemaking: Proposed Amendments

- A) Description: Rulemaking may be necessary to implement legislation, and to make technical and clarifying changes.
- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Not known at this time
- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:
 Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield, IL 62706
 217/782-0700

- G) Related rulemakings and other pertinent information: None.

- d) Part(s) (Heading and Code Citation): Bonding Guidelines, 71 Ill. Adm. Code 50

1) Rulemaking: Proposed Amendments

- A) Description: Updating the statutory provisions and reformatting for clarification.
- B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Not known at this time
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield, IL 62706
 217/782-0700
- G) Related rulemakings and other pertinent information: None

 JOINT COMMITTEE ON ADMINISTRATIVE RULES
 ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 7, 2000 through March 13, 2000 and have been scheduled for review by the Committee at its April 11, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/20/00	Department of Professional Regulation, Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)	10/8/99 23 Ill Reg 12344	4/11/00
4/20/00	Department of Professional Regulation, Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill Adm Code 1375)	11/5/99 23 Ill Reg 13388	4/11/00
4/20/00	Department of Public Health, Breast and Cervical Cancer Research Fund Rules (77 Ill Adm Code 970)	1/21/00 24 Ill Reg 982	4/11/00
4/21/00	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	1/14/00 24 Ill Reg 395	4/11/00
4/21/00	Department of Central Management Services, Travel (80 Ill Adm Code 2800)	1/14/00 24 Ill Reg 397	4/11/00

2000-1

EXECUTIVE ORDER REGARDING THE RURAL AFFAIRS COUNCIL

WHEREAS, the Governor's Rural Affairs Council was created in 1986 to maintain the rural emphasis in Illinois government, strengthen the rural economy, increase the capacity of viability of local governments and improve education and human service opportunities in Illinois; and

WHEREAS, these goals remain priorities of the State of Illinois in order to improve the capacity and viability of rural residents into the 21st century; and

WHEREAS, the needs of rural residents and communities vary greatly from one part of the State to another; and WHEREAS, the rural challenges and opportunities continue to evolve over time; and

WHEREAS, rural residents are best served by a comprehensive approach to rural development and planning;

THEREFORE, I, George H. Ryan, order the following: The Governor's Rural Affairs Council shall include the Illinois Departments of Aging, Agriculture, Commerce and Community Affairs, Employment Security, Human Services, Natural Resources, Public Health, Transportation, Environmental Protection Agency, Community College Board, State Board of Education, University of Illinois Cooperative Extension Service, the Farm Development, Development Finance and Housing Development Authorities, Southern Illinois University, Rural Partners, the Illinois Institute for Rural Affairs, and the Illinois Rural Bond Bank. Membership may be expanded at the discretion of the Governor. However, membership shall not exceed a total of 20 members.

The Governor's Rural Affairs Council shall be chaired by Lieutenant Governor Corinne Wood.

The Chair of the Governor's Rural Affairs Council may appoint representatives from government, private industry and not-for-profit organizations to serve on Council committees and to provide input to the Council as a whole.

The Governor's Rural Affairs Council shall develop and implement a comprehensive strategy for improving delivery of state services to rural Illinois with the aim of expanding opportunities and improving the quality of life for rural residents.

This Executive Order Number 1 (2000) shall be effective upon filing with the Secretary of State.

Issued by the Governor January 11, 2000.

Filed with the Secretary of State January 11, 2000.

PROCLAMATIONS

2000-73

DR. DELBERT PENROD DAY

WHEREAS, Dr. Delbert Penrod has faithfully served as Director of Missions of the Capital City Baptist Association for 26 years; and

WHEREAS, he has demonstrated exceptional ability through 45 years of ministry as an administrator, pastor, orator, educator, advisor, and friend; and

WHEREAS, he has faithfully, honorably and successfully led CCBA in its advancement and growth to become one of the leading Southern Baptist Associations in the State of Illinois; and

WHEREAS, he has faithfully and honorably served in the Illinois Baptist Association, the Southern Baptist Convention, the Home Mission Board of the Southern Baptist Convention, numerous Southern Baptist churches, and several Institutions of Christian education with distinction; and

WHEREAS, he and his wife, Barbara, have served as faithful examples in their Christian life, marriage and family wherever they were led to serve and are deeply loved and appreciated beyond words; and

WHEREAS, he has chosen to retire from serving as Director of Missions; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2, 2000, as DR. DELBERT PENROD DAY in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-74

I.O.F. PREVENTION OF CHILD ABUSE WEEK

WHEREAS, there were 32 grants presented in the State of Illinois by the Independent Order of Foresters in 1999; and

WHEREAS, the Independent Order of Foresters is the largest non-sectarian fraternal benefit society in the world with prevention of child abuse as its number one priority; and

WHEREAS, the Independent Order of Foresters, founded in 1874 and dedicated to the preservation of family life, is one of the oldest and largest fraternal benefit societies in the world with more than a million members; and

WHEREAS, to accomplish one of its major goals of eradicating the blight of child abuse, the Order established its I.O.F. Prevention of the Child Abuse Fund in 1975, which has contributed cash grants to 260 agencies across the United States, Canada and England; and

WHEREAS, the Independent Order of Foresters' strong commitment to public education includes distribution of a series of informative brochures, booklets and films used widely by schools, clinics, libraries, social service and counseling organizations; and

WHEREAS, the National Center for the Prevention of Child Abuse estimates that more than 3 million children will be victims of maltreatment this year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 16-22, 2000, as I.O.F. PREVENTION OF CHILD ABUSE WEEK in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-75

MDA DISABILITY AWARENESS MONTH

WHEREAS, it is estimated that one million Americans are affected by a form of neuromuscular disease which is physically disabling; and

WHEREAS, The Muscular Dystrophy Association (MDA) assists thousands in Illinois with neuromuscular disease through eight MDA chapters; and

WHEREAS, it is the responsibility of all citizens of Illinois to assist in meeting the physical and emotional needs of individuals with disabilities; and

WHEREAS, as citizens of Illinois, we must value the worth, dignity and rights of these individuals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as MDA DISABILITY AWARENESS MONTH in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-76

PROFESSIONAL SOCIAL WORK MONTH

WHEREAS, life can change in a second; and

WHEREAS, the business of social work is helping people manage change; and

WHEREAS, professional social workers use their education, training, and commitment to make a real difference in the lives of people; and

WHEREAS, professional social workers are found in the most amazing places including Fortune 500 companies, courts, mental health centers, managed care companies, state and federal legislatures, schools, child welfare agencies, nursing homes, hospices, health care settings, employee assistance programs, and public and private agencies; and

WHEREAS, employers hire professional social workers because they provide compassionate services that also make good business sense; and

WHEREAS, professional social workers help individuals, families, and children cope with problems and prevent trouble, saving the community and the taxpayers money in the long run;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2000 as PROFESSIONAL SOCIAL WORK MONTH in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-77

RESIDENT COUNCILS MAKE A DIFFERENCE DAY

WHEREAS, Resident Councils offer an opportunity for nursing home and retirement residents to assume a leadership role within their facilities; and

WHEREAS, Resident Councils offer an opportunity for residents to support each other, working together as a team to voice areas of concern, develop successful solutions, and ultimately improve standards of care; and

WHEREAS, Resident Councils enable nursing home and retirement residents to discuss and make recommendations about facility policies and procedures affecting their care, treatment, and quality of life; and

WHEREAS, Resident Councils provide a forum for residents to develop activities that showcase their creativity, tap into lifelong interests, promote involvement with community members, and provide meaningful moments of success;

and

WHEREAS, Resident Councils offer an opportunity for residents to participate in educational opportunities, programs that focus on important health and wellness issues that impact on their comfort, outlook, and feelings of well-being; and

WHEREAS, Illinois nursing homes and retirement communities, through Resident Councils, are continually striving to maximize the residents' independence, leadership skills, physical and mental well-being, and provide members with an active and engaging activity that benefits their community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2000, as RESIDENT COUNCILS MAKE A DIFFERENCE DAY in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-78

ROBERT W. FLAWS DAY

WHEREAS, Robert W. Flaws is the Chief Examiner of the Property & Casualty, Financial Examination Section of the Illinois Department of Insurance; and

WHEREAS, Bob graduated from Gage Park High School and attended UIC and Walton School of Accounting; and

WHEREAS, Bob served in many service organizations such as the State Chairman of the Illinois Chapter of Society of Financial Examiners, Board of Governors of Society of Financial Examiners, Editor of Society of Financial Examiners magazine; and

WHEREAS, in addition to his love for golf, Bob's special interests include bowling, crossword puzzles, and Frank Lloyd Wright architecture; in his past activities, he bowled 299. Bob was also the former President Christ the King Bowling league; World's Fastest Rock Concert Program Salesman; charter member of the Royal Family Gold Foursome, pro organizations; Illinois CPA Society; American Association of Certified Public Accountants; and Grand Marshal of "Cows on Parade"; and

WHEREAS, Bob and his wife, Joyce, are the proud parents of two sons, William (Mary) and Matthew (Mary), two daughters, Deborah (Kevin) and Laura (Jon), and one grandchild, Danny; and

WHEREAS, Bob has been employed with the Illinois Department of Insurance for 35 years; and

WHEREAS, Bob will be retiring from the Illinois Department of Insurance on February 29, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 29, 2000, as ROBERT W. FLAWS DAY in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-79

ST. DAVID'S DAY

WHEREAS, St. David or Dewi Sant is the patron saint of Wales; and

WHEREAS, David was born circa 520 to Sanctus, a king of Ceredigion, an ancient kingdom in Western Wales, and Nonita or Non, whose virtue was well-known in Wales, Cornwall, Devon, and Brittany. He is believed to be the grandson of Ceredig, who was the son of Cunedda Wledig. Ceredig and Cunedda

were both major rulers in Celtic and Roman Britain; and

WHEREAS, both Geoffrey of Monmouth and Gerald of Wales, two famous medieval writers/historians, said St. David is also said to be the uncle of King Arthur; and

WHEREAS, David was a major figure in the Celtic Church during what is called the Age of Saints and is said to have been a devout ascetic credited with several miracles; and

WHEREAS, his heroic reputation for sanctity grew and was documented in the 9th century in Ireland and England, and continued to flourish throughout the Middle Ages; and

WHEREAS, March 1 commemorates David's death in circa 589, a date commemorated in early liturgical calendars. He was officially canonized by Rome in 1123;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2000, as ST. DAVID'S DAY in Illinois.

Issued by the Governor February 24, 2000.

Filed by the Secretary of State March 7, 2000.

2000-80

BILL ZWECKER DAY

WHEREAS, a Chicago native who grew up in Oak Park and River Forest, Bill Zwecker graduated from Oak Park-River Forest High School before heading to Princeton University where he received his bachelor's degree with honors in American history; and

WHEREAS, after working in politics, banking and retail, Bill turned to journalism full-time in the early 1980's -- following in the footsteps of his mother, Peg Zwecker, the nationally-syndicated, award-winning fashion editor and columnist of the Chicago Daily News and Chicago Sun-Times; and

WHEREAS, from the top stars of Hollywood to Chicago's best known celebrities like Michael Jordan and Oprah Winfrey -- Bill Zwecker is the expert when it comes to knowing the scoop on the rich and famous. He is the Chicago Sun-Times entertainment columnist -- who also is the entertainment reporter and film critic for WMAQ-FM (NBC) in Chicago; and

WHEREAS, Bill is a frequent contributor to various national news and entertainment programs. He has appeared on the syndicated shows "Access Hollywood," "Entertainment Tonight," "Hard Copy," "The NBC Nightly News," "Today Show," "Biography," A&E, and "Larry King Live;" and

WHEREAS, among numerous honors, Bill has twice been awarded the prestigious Peter Lisagor Award -- Chicago's highest journalism accolade. Oak Park High School inducted Bill into its Hall of Fame in 1995 when it presented him with its top alumni honor, the Tradition of Excellence Award; and

WHEREAS, this year, the Illinois Eye-Banks and Transplant Center will honor Bill Zwecker as their 2000 Man of Vision award on Friday, March 10, at the Ritz Carlton Hotel at the Gift of Sight Gala;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10, 2000, as BILL ZWECKER DAY in Illinois.

Issued by the Governor February 25, 2000.

Filed by the Secretary of State March 7, 2000.

2000-81

DEEPAK CHOPRA DAY

WHEREAS, Deepak Chopra M.D. is a very respected physician, philosopher, and leader in the field of medicine who is concerned with the way in which people can integrate physical, mental, emotional, spiritual and social wellness; and

WHEREAS, Deepak Chopra M.D. has been recognized by Time Magazine as one of the top 100 heroes and icons of the century; and

WHEREAS, Deepak Chopra M.D. was formerly the Chief of Staff at Boston Regional Medical Center and taught medicine at Tufts University and Boston University School of Medicine; and

WHEREAS, Deepak Chopra M.D. has established the Chopra Center for Well Being in La Jolla, California, as a place where he can practice both western medicine and natural healing methods in order to most effectively treat patients; and

WHEREAS, Deepak Chopra M.D. has published more than 25 books and more than 100 audio, video and CD-ROM titles covering numerous topics in the field of mind body medicine; and

WHEREAS, Deepak Chopra M.D. is an internationally renowned speaker who has shared his experiences, insights, and findings with thousands of grateful individuals; and

WHEREAS, Deepak Chopra has graciously accepted an invitation to speak at Northeastern Illinois University at an event benefiting the Delhi Committee of The Chicago Sister Cities International Program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4, 2000, as DEEPAK CHOPRA DAY in Illinois.

Issued by the Governor February 25, 2000.

Filed by the Secretary of State March 7, 2000.

2000-82

GFWC ILLINOIS FEDERATION OF WOMEN'S CLUBS WEEK

WHEREAS, the GFWC Illinois Federation of Women's Clubs is a member State of the General Federation of Women's Clubs, the world's largest volunteer organization; and

WHEREAS, women throughout are attending the GFWC Illinois One Hundred Fifth Annual Convention in Springfield, Illinois; and

WHEREAS, clubs will be recognized for outstanding achievement in areas of Art, Conservation, Education, Health, Home Life, International Affairs, Public Affairs, Native American Affairs and Veterans Affairs. Awards will also be presented for achievement in membership, leadership and public relations; and

WHEREAS, special emphasis will be placed on GFWC Illinois' Presidents' Project -- Prevent Child Abuse -- "Our Promise A Safe Place for Every Child" and GFWC Illinois Junior Director's project -- Conservation -- "A Better Environment for the New Millennium";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15-19, 2000, as GFWC ILLINOIS FEDERATION OF WOMEN'S CLUBS WEEK in Illinois.

Issued by the Governor February 25, 2000.

Filed by the Secretary of State March 7, 2000.

2000-83

HUMAN SERVICES WEEK

WHEREAS, a disability, whether physical, mental, or developmental, does not mean the end of a person's productive life; and

WHEREAS, human service organizations are available to assist Illinois

citizens achieve productive and fulfilling lives; and
 WHEREAS, the many support services within a human service organization provide the assistance necessary to help persons with disabilities achieve self-sufficiency; and

WHEREAS, tens of thousands of dedicated individuals provide a supportive foundation for citizens with disabilities to achieve their goals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 17-23, 2000, as HUMAN SERVICES WEEK in Illinois and commend these organizations and their staff and volunteers' dedication which benefits all citizens of the State.

Issued by the Governor February 25, 2000.
 Filed by the Secretary of State March 7, 2000.

2000-84

WOMEN'S HISTORY MONTH

WHEREAS, since Illinois became a state in 1818, women have been influential and have made substantial contributions in the intellectual, educational, social and economic growth and development of the State; and

WHEREAS, in 1870 the Illinois Women Suffrage Association held its first annual convention in the State Capital of Springfield to coincide with the Illinois State Constitutional Convention; and

WHEREAS, on June 26, 1913, the Illinois General Assembly granted women the right to vote in presidential elections, making Illinois the first state east of the Mississippi to do so; and

WHEREAS, on August 26, 1920, the Nineteenth Amendment was signed into law by United States Secretary of State Bainbridge Colby, granting women the right to vote; and

WHEREAS, more women hold important positions in the fields of education, medicine, business and industry, and as elected officials in the State of Illinois, as highlighted by the first-elected female Lt. Governor in our State's history; and

WHEREAS, recognizing the importance of women in our State, as Governor of Illinois, I re-created the Governor's Commission on the Status of Women in Illinois as the first Executive Order of my administration;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2000 as WOMEN'S HISTORY MONTH in Illinois, in honor of all the women and girls -- past, present and future -- in Illinois,

Issued by the Governor February 25, 2000.

Filed by the Secretary of State March 7, 2000.

2000-85

ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and
 WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine and applied arts programs; and
 WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and

WHEREAS, the 2000 Arts in Education Spring Celebration will be held April 10 through May 31, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April and May 2000 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor February 28, 2000.

Filed by the Secretary of State March 7, 2000.

2000-86

CARBONDALE STATE CHAMPIONSHIP BARBECUE COOKOFF DAYS

WHEREAS, Main Street Pig Out Barbecue Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 15 and Saturday, September 16, 2000; and

WHEREAS, Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, businesses of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and
 WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and variety of family and children activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-16, 2000, as CARBONDALE STATE CHAMPIONSHIP BARBECUE COOKOFF DAYS in Illinois.

Issued by the Governor February 28, 2000.

Filed by the Secretary of State March 7, 2000.

2000-87

DAY OF REMEMBRANCE OF THE U.S.S. ASIATIC FLEET

WHEREAS, the U.S. Asiatic Fleet had its origin in the Nineteenth Century, when sloops fought pirates off the coast of Sumatra, when Commodore Perry's "Black Ships" opened Japan in the 1850's, when Admiral Dewey traveled to Manila Bay at the turn of the Century; and

WHEREAS, with the exception of the Spanish-American War, there were no formal hostilities, no declarations of war in this Far East region for 141 years, from 1800 to 1941; and

WHEREAS, the Japanese Imperial Navy bombed our Pearl Harbor Base on Oahu, Hawaii, on December 7, 1941, and our U.S. Asiatic Fleet stationed in the Philippines and other Far East ports, were also bombed by the Japanese Imperial Navy; and

WHEREAS, our U.S. Asiatic Fleet, consisting of three cruisers, 13 destroyers, three seaplane tenders, six motor torpedo boats and 29 submarines, was forced to defend itself against an Imperial Japanese Fleet of 10 carriers, 28 cruisers, 113 destroyers and 63 submarines; and

WHEREAS, the U.S. Asiatic Fleet, between January 11 and March 1, 1942, fought 14 separate engagements with the Imperial Japanese Navy; and

WHEREAS, on February 28, 1942, the cruisers HOUSTON and PERTH were sunk by a force that outnumbered them 3 to 1 and the next day, March 1, 1942, the rest of the ships in the HOUSTON-PERTH Task Force were destroyed off Java; and

WHEREAS, the U.S. Asiatic Fleet was destroyed and the last transmission was, "We are shutting down now, Goodbye till better times"; and

WHEREAS, Illinois sailors were serving in the U.S. Asiatic Fleet, many

losing their lives or being prisoners of war in Japanese camps in Burma, Japan, Philippines and China.

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2000, as DAY OF REMEMBRANCE OF THE U.S.-S ASIATIC FLEET in Illinois.

Issued by the Governor February 26, 2000.
Filed by the Secretary of State March 7, 2000.

2000-88

PURCHASING MONTH

WHEREAS, the National Association of Purchasing Management (NAPM) strives to improve their standards and performance of purchasing professionals; and

WHEREAS, the Purchasing Management Association of Chicago (PMAC) is a non-for-profit organization, founded in 1913, that stresses teaching professionals how to increase their organization's bottom line; and

WHEREAS, PMAC is dedicated to helping purchasing professionals improve their job performance and advancement opportunities through educational programs and interaction with one another; and

WHEREAS, NAPM produces the National Report on Business and PMAC produces the Chicago Report, monthly economic reports, which have earned national and international recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2000 as PURCHASING MONTH in Illinois.

Issued by the Governor February 28, 2000.
Filed by the Secretary of State March 7, 2000.

2000-89

AMERICAN RED CROSS MONTH

WHEREAS, founded by Clara Barton on May 21, 1881, the American Red Cross is the most recognized humanitarian agency in the world; and

WHEREAS, Congress has designated the American Red Cross as the nation's primary volunteer agency for providing disaster relief and for serving as the primary emergency communications link between military personnel and their families, as evident by the nearly 700,000 emergency and personal services provided in 1999; and

WHEREAS, virtually every community in the United States is served by an American Red Cross chapter, Blood Services region, or both, with the backbone of this vast network comprised of nearly 1.5 million volunteers and 4.5 million blood donors; and

WHEREAS, the American Red Cross is a primary deliverer of preventative health and safety services including HIV/AIDS awareness, first aid, CPR, automated external defibrillators (AED), water safety and injury prevention to the American people; and

WHEREAS, the American Red Cross collects and provides more than 6 million units of blood - nearly half of the national blood supply - to patients in over 3,000 hospitals in Illinois and throughout the United States; and

WHEREAS, American Red Cross Blood Services continuously strives to increase standards for blood safety and to promote blood donations. Through the use of platelets, the American Red Cross is able to provide critical blood products such as platelets to aid victims of leukemia and other crippling diseases; and

WHEREAS, the American Red Cross continues to improve the quality of life for

Americans by providing and promoting life-saving tissue donor programs; and

WHEREAS, the American Red Cross stands ready to work together with State, federal and other agencies provide essential services to victims of disasters, from single family fires to floods, tornadoes and other acts of nature when help can't wait; and

WHEREAS, the American Red Cross responded to nearly 70,000 disasters in 1999, including the Amtrack derailment in Kankakee, terrible flooding in Mattton and tornadoes in Ashland within Illinois; and

WHEREAS, 44 American Red Cross Chapters, five blood districts (including the Heart of America Blood Service), and the Central States Area Tissue Service dutifully provide Red Cross services for the nearly 12 million citizens of Illinois;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March, 2000 as AMERICAN RED CROSS MONTH in Illinois and urge all the citizens of Illinois to give generously of their support and services to the American Red Cross and its local chapters and Blood Services regions throughout Illinois.

Issued by the Governor February 29, 2000.

Filed by the Secretary of State March 7, 2000.

2000-90

CASIMIR PULASKI DAY

WHEREAS, Polish war hero Casimir Pulaski fought and died valiantly helping colonial America win its battle for independence during the Revolutionary War; and

WHEREAS, born in Poland on March 2, 1747, Casimir Pulaski symbolizes the courage, patriotism and determination of Polish Americans and Slavic Americans who have worked and fought to help make our country great; and

WHEREAS, this individual was willing to make the supreme sacrifice through his death in battle while defending our nation and it is fitting that we in Illinois set aside the first Monday of each March to honor Mr. Pulaski, as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois; and

WHEREAS, many observances are being held in honor of Casimir Pulaski, including celebrations at the Polish Museum in America, Truman College, City of Fairview Heights and a banquet sponsored by the Polish American Congress-Illinois Division;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2000, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor February 29, 2000.

Filed by the Secretary of State March 7, 2000.

2000-91

H.O.M.I. FELLOWSHIP DAYS

WHEREAS, the Hope Outreach Ministry Inc., H.O.M.I. Fellowship consists of independent ministries, churches, and agencies for the purpose of providing fellowship and networking through covering, mentoring, administrative support, and development; and

WHEREAS, Apostle Sylvester Brinson III, the Presiding Prelate, and Bishop Howard B. Hogan, Chairman of the Credentials Board, will celebrate its

Villa and restore peace on the Mexican Border in 1916; and

WHEREAS, 25,000 Illinois National Guard troops were mobilized during WWI and 9 Illinois soldiers of the 33rd Infantry Division received Medals of Honor for their heroic conduct; and

WHEREAS, the 33rd Infantry Division helped recapture the Philippines and Illinois National Guard units served in all theatres of WWII; and

WHEREAS, Illinois National Guard units served in both the Korean Conflict and the Vietnam War; and

WHEREAS, in 1993 when the Mississippi River flooded its banks, 7,000 members of the Illinois National Guard provided assistance to their fellow Illinoisans who were displaced; and

WHEREAS, 1,200 Illinois Army and Air National Guard members have been recently deployed to support operations in Macedonia, Kosovo and Iraq; and WHEREAS, the men and women of the Illinois National Guard daily serve their State and communities through drug reduction and youth training programs such as Lincoln's Challenge and Operations First Choice;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5, 2000 as ILLINOIS NATIONAL GUARD DAY in Illinois.

Issued by the Governor March 1, 2000.

Filed by the Secretary of State March 7, 2000.

2000-94

READ ACROSS AMERICA DAY

WHEREAS, it's never too cold

Too wet or too hot,

To pick up a book

And share what you've got; and

WHEREAS, You're never too old, too wacky, too wild,

To pick up a book, and read to a child.

In churches, schools, and homes let's gather around.

Let's pick up a book, let's pass it around;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 2, 2000 as READ ACROSS AMERICA DAY in Illinois and ask all to join us in your own special way.

Issued by the Governor March 1, 2000.

Filed by the Secretary of State March 7, 2000.

"Possessing the Land" Annual mini-conference, March 9-11, 2000; and WHEREAS, these mini-conferences provide training, study, upgrading and perfecting of gifts and gifting among its members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9-11, 2000, as H.O.M.I FELLOWSHIP DAYS in Illinois.

Issued by the Governor February 29, 2000.

Filed by the Secretary of State March 7, 2000.

2000-92

DELTA DAYS

WHEREAS, the Delta Sigma Theta Sorority, Inc. was founded in 1913 with an emphasis on education and scholarship, physical and mental health, economic development, and political and international awareness; and

WHEREAS, Delta Sigma Theta, Inc., is a private non-profit organization. Its members include collegiate women, who have completed their undergraduate universities, and alumnae members who are located on the campuses of colleges and studies. Undergraduate chapters are located on the campuses of colleges and universities, and in some cases are designated as citywide chapters. Alumnae chapters, located in cities, counties and towns are composed of members who are no longer matriculating in college and/or have graduated; and

WHEREAS, as a sisterhood of more than 130,000 predominately Black college-educated women, the Sorority currently has more than 870 chapters located in the United States, England, Panama Canal, Japan, Germany, the Virgin Islands, Bermuda, Haiti, Liberia, the Bahamas and the Republic of Korea. There are 25 chapters located in the State of Illinois; and

WHEREAS, all members are college educated leaders who are dedicated to public service; and

WHEREAS, on Wednesday, March 8, 2000, Delta Sigma Theta Sorority, Inc, will be at the Capitol for Delta Days;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 8, 2000 as DELTA DAYS in Illinois.

Issued by the Governor March 1, 2000.

Filed by the Secretary of State March 7, 2000.

2000-93

ILLINOIS NATIONAL GUARD DAY

WHEREAS, the Illinois National Guard and its militia forebears have faithfully served the state and the nation for more than 300 years; and

WHEREAS, Illinois Patriots, such as Colonel George Rogers Clark, have always quickly answered the call to arms with pride and professionalism; and

WHEREAS, five brigades of Illinois volunteers, including Abraham Lincoln, were mustered in April 1832 to defend settlers and end hostilities during the Black Hawk War; and

WHEREAS, Illinois provided the Union with leaders such as President Lincoln and Generals Grant, Logan, and McClernand, as well as more than 250,000 men during the Civil War, the largest contingent of any state; and

WHEREAS, Illinois was the first state to respond to the Federal call for troops and mustered ten regiments, including Poet Carl Sandburg, and the Naval Militia for service in the Spanish American War; and

WHEREAS, the Illinois National Guard was called for service to pursue Pancho

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Acqm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-792-4414 or natalie@ccgate.sos.state.il.us (Internet address).

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